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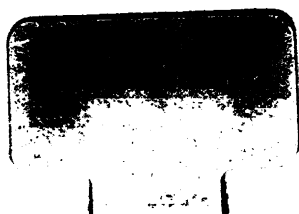
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Mass. - General Court -

Committee on Railways and Canals

(1371)

HEARING

ON



REMOVAL OF RAILROAD TRACKS

IN WORCESTER.

WORCESTER:

SNOW BROTHERS, PRINTERS, 228 MAIN STREET.

1871.

21-1-73

HEARING

ON THE

Petition for the Removal of the Railroad Tracks from the Common and Streets of the City of Worcester.

The Committee on Railways, to whom was referred the petition of the City Government of Worcester, for the removal of railroad tracks from the public streets and Common of that city, gave a hearing to the parties interested, on Tuesday, March 21st. T. L. Nelson and Geo. F. Verry, Esqs., appeared for the city; Hon. Dwight Foster, for citizens of Worcester; Hon. Geo. S. Hale, for the Boston and Albany Railroad, severally in favor of the removal; and Hon. P. E. Aldrich, for the Worcester and Nashua Railroad; W. W. Rice, Esq., for the Norwich and Worcester Railroad; and Geo. A. Torrey, Esq., in behalf of the citizens of towns in Worcester County, in opposition.

After some informal discussion as to the order of proceeding, the committee decided that they would hear the counsel for the petitioners, and Mr. Nelson opened the case in their behalf.

OPENING ARGUMENT OF T. L. NELSON, ESQ.

Mr. Chairman, and Gentlemen of the Committee:

In opening this hearing, and speaking in behalf of the city of Worcester, I desire the committee to understand, and the railroads represented here in opposition to this application also to understand, that the city does not intend, in asking for these changes, to injure, in any respect, these roads. The members of the City Government do not believe that the changes which are proposed by this petition, and which are contemplated by the plans now before the community, are calculated to injure the railroads; but, on the contrary, we believe they are as much for their benefit as for the benefit of the city of Worcester and the traveling public.

The City Government of Worcester, appear here in obedience to the direct request and instructions of a large majority of our citizens. Action has been taken by the City in years past, to remedy the evils caused by those tracks crossing our principal thoroughfares. In 1869, the Mayor and Alder-

men passed a vote requesting these railroads to use more care and caution at the street crossings, and asking them to station flagmen and have gates for the purpose of protecting the citizens and rendering the use of the streets and public grounds, by the railroad trains, as little inconvenient as possible. To this respectful request of the Mayor and Aldermen, no reply has ever been made; but the practice complained of has been continued until the evil has become so great that there is a general outcry in our community against it. Last year, a petition was circulated among our citizens, and signed by several thousands, including, I think, our friends on the other side, requesting the Mayor and Aldermen to put an article into the warrant, calling the annual meeting, to test the question whether the citizens of Worcester desired that these tracks should be removed from the streets. The Mayor and Aldermen, in obedience to that petition, put an article into their warrant, asking for an expression of opinion of the citizens upon this question; and at the last annual meeting for the election of city officers, in December, 1870, printed ballots were circulated, calling for an expression of the opinion of the citizens, marked "Yes" and "No," so that every person had an opportunity to vote as he saw fit. The matter was agitated in the newspapers, and the result of the balloting was, that 2,330 votes were cast in favor of the change, and 480 votes were cast in opposition to it. The City Government appear here to-day in answer to the call of the people, expressed in this solemn manner, and ask this committee and the Legislature to afford them some relief.

The evil complained of is an enormous one. The number of trains that cross these tracks, through the very heart of our city, will be stated to you. Front street, the street that leads from Main street to the Boston and Albany lower station, the Common and Park street on the south, form substantially one thoroughfare. Over this thoroughfare, hundreds of trains cross daily. All the through freight passing to the north and south crosses this part of the city. All the switching, I might say, of the Norwich road, is done in these public streets to-day, in the center of our population; and all the vast business which is done between the northern portion of New England and Canada, with Providence, New York and the southern portion of the country, is carried through the center of our city. And this evil is a growing one. The business is increasing rapidly, as was stated the other day by Mr. Kinnicut, before this committee. Until very recently, the exchange of freight between the Boston and Albany road, and the Worcester and Nashua road, has been done across the Common, and that business has increased, within a few years past, so that the balances, which were formerly about a thousand dollars a month, now amount to \$100,000 a month. \$1,200,000 a year is paid over by the Worcester and Nashua railroad to the Boston and Albany railroad, under the arrangement between these roads for the distribution of the business, which is simply for freight transferred between the Boston and Albany and Worcester and Nashua roads. Then comes the great New York traffic, by the way of the Norwich and Providence lines, which is still further to be increased when the Boston, Barre and Gardner railroad opens up its northern connections and brings all this business through our city. That is the evil; and it is not only the inconvenience of having this traffic done here, but the great danger to life and limb of the citizens that we complain of;

and we expect to show without going into detail at this moment, that all this has become an almost intolerable nuisance.

I will add, in this connection that the portion of the city which lies south of those tracks on the Common, and in that vicinity, is injured and paralyzed on account of the existence of these tracks. Nobody would think of establishing a retail store, of any magnitude, east of this line on Front street, or Park street. The property of that part of the city is immensely diminished in value, because it is so entirely cut off from the rest of the city.

Now, if we satisfy the committee that a nuisance exist, it is incumbent on us to show that a remedy for it can be provided, because we are asking for a change of an existing condition of things. We claim that the remedy is simple, inexpensive, and that full power rests with the Legislature, to grant us the relief we ask. I suppose it will be claimed here, and it is threatened that it will be claimed hereafter in the courts, that the Legislature has not the constitutional power to order these railroads to discontinue the running of their trains across these street. It seems to me unnecessary, in the presence of this committee, to attempt to refute that proposition. We understand the law to be, as applicable at least to all charters granted since 1831, (since which time all charters have been granted subject to alteration, amendment or repeal at the pleasure of the Legislature,) that the manner in which railroad companies shall exercise their franchises is entirely within the discretion of the Legislature; and wherever the Legislature finds that the exercise of a particular franchise has become injurious to the public interests, it is in its power, if it is thought desirable and proper, even to sweep away a railroad from existence, and discontinue the entire franchise; or, if the exigency is not so great as to call for that, it may require such changes to be made in the mode of exercising of the franchise, as the public exigency which may have arisen demands. I think it entirely unnecessary to detain the committee further with any discussion of the legal principles involved.

MR. SANFORD. You claim that we have a legal right to order these tracks taken up, without compensation?

MR. NELSON. Certainly. The precedents are abundant. To instance one, there was an Act passed in 1866, in relation to the connections of two railroads at Pittsfield. There the Legislature ordered that the County Commissioners of the county of Berkshire, should lay out a certain street, called West street, and should discontinue certain other portions of that street, and that the entire expense should be paid by the railroad corporation; and that was done. In that same Act, it required that these corporations should unite in building a depot, and use it, and that one of the companies should pay the entire expense of constructing and keeping it in repair, and the other company should pay an annual rent for the use of it, to the corporation which built it; and required them, under the penalties of the law, whatever they may be, forfeiture of the charter or otherwise, to complete the depot within a certain time, and all that was done.

It is the constant practice of the Legislature to authorize one railroad company to run its engines and cars over another, and to require one railroad company to carry the trains of another over its line to their destination beyond.

To remind the committee of another instance: The Eastern railroad was required to build a station at a certain crossing. The company failed to comply with the Act and took the question to the courts. The Supreme court has recently decided that the case was clearly within the power of the Legislature.

MR. ADAMS. Was that case carried to Washington?

MR. NELSON. It was not. To pass to the next point. Some of these railroad companies are willing to aid us. The Boston and Albany railroad is willing to render all the assistance which can be asked by the committee, towards making the depot accommodations in Worcester what they ought to be. The business of that road, which until within a few years, was all done over these very tracks on the Common, is now done at Washington Square, and these streets are not obstructed by their business, except the steamboat trains to and from the Norwich and Worcester railroad. That road is willing to build a Union Passenger station at Washington Square, for the accommodation of all the railroads, so that, as far as this petition affects the Boston and Albany railroad, there is no controversy with them. Then the Providence and Worcester railroad, whose through business (not its switching), is all done over these tracks, is willing that the present arrangement should be changed, and the business be done in the manner in which the city asks to have it done; so that railroad is out of the case. It has the same interest, as far as the through business is concerned, as the Norwich and Worcester, or the Worcester and Nashua road has. The Boston, Barre and Gardner railroad, as I am informed, do not offer any opposition to this scheme. They are willing to exchange their through freight at Washington Square, instead of carrying it through the city, and are also willing to come into the new station at Washington Square, with their passengers.

Then come the opponents of the plan. First, our friends of the Worcester and Nashua railroad who always oppose everything, and next, the Norwich and Worcester railroad, which is chiefly affected by the changes proposed.

At a meeting held a few weeks ago by the representatives of all these railroad companies and the city authorities, upon this matter, the railroads, made a statement of what they were willing to do. They said they were willing to have all the passenger trains removed to Washington Square; they were willing that there should be one passenger station there; they were willing that all the switching should be removed from the streets; but they claimed that all the through freight business between the north and the south, should still continue to be done across these streets. The city was unwilling to concede that point, because that would afford only a partial remedy for the evil. Although it might diminish the inconvenience to the public, it would afford only partial relief, and all this great and growing through business would in the future continue to annoy us, and we therefore objected to the proposition. One reason for this objection was, that our citizens are required to make a sacrifice in order to accomplish the great general good. They are asked to give up, and they must necessarily give up the convenience of the Foster street station, which is a very great convenience to the business portion of our city; and they claimed, that if they were to yield this, they should have as compensation the entire clearance of these streets from the railroad tracks.

I come to the point where I should state to the committee how this business is now done, what change we propose, what are the advantages and disadvantages of the proposed change, and what it will cost. Here is the line of the Boston and Albany railroad (pointing to a plan exhibited to the committee). Here is Washington Square, where the lower station, as it is called, of the Boston and Albany railroad is located. The tracks extend from that point to what is called the Junction. A portion of the Worcester local passengers on the Boston and Albany railroad is taken up into the city by this line, running west, to the Foster street station, with which, gentlemen, are all familiar. The Worcester and Nashua railroad have their freight accommodations at Lincoln Square. They come down with their passengers, to the station at Foster street. The Norwich railroad comes in from the south and leaves its passengers at the same point. The Norwich freight house is at Park street, just south of the Common. Here is the Common; here is Park street; here is Front street and this Mechanic street. The Norwich road does all its switching across these streets; all their freight from the north or south, runs over the line of this road in this direction, and through the city. What we ask is, that these tracks should be discontinued. The Worcester and Nashua freight station may remain where it is; that is not objectionable; but we ask that the Norwich and Worcester freight station shall be transferred to a point south of Madison street, so that they will then have ample freight accommodations, entirely free from the street crossings. The street shown here is bridged and the other will be discontinued by the city. We then propose that the through freight business, instead of running across the city should be transferred and interchanged at Washington Square.

Perhaps I should explain a little more particularly how this through freight business is now done. The trains going south are made up by the Nashua railroad on its ground at Lincoln Square; then they are taken across the city and left at the Junction; from that point they are taken by the engines of the Norwich road or of the Providence road; and, *vice versa*, the trains of the Providence and Worcester and Norwich and Worcester roads are made up at their own depot ground, brought to the Junction, and are then taken by the engines of the Nashua and Worcester road, by which they are hauled through the city. We propose that the through freight going south, should be taken to Washington Square by the Nashua road and left on tracks, and that the engines of the two southern roads should take them from that point; and *vice versa*. In that way, all the inconvenience which I have spoken of will be avoided.

This plan, showing the station at Washington Square, is one prepared under the direction of the late Mayor Blake, for the purpose of carrying out the provisions of the Union Depot Act, of 1869. That act provided that the several railroad companies should have the power to construct a Union Passenger Station and Union Freight Station, in the city of Worcester, and for the purpose of showing that this was practicable, Mr. Blake had this plan prepared. By this plan, the local freight of the Norwich railroad is transferred to Washington Square. We do not ask for that, and therefore the committee will consider that so much of the plan as relates to the local freight business of the Norwich road is not to be considered. The green tracks are

the Boston and Albany tracks. The locality shown here of the Union Passenger station is not precisely the locality which will be adopted; it will undoubtedly be carried further to the east. This indicates the track leading through Lincoln Square, which the Nashua railroad passes over. We propose to have the Nashua railroad come down here and leave its trains at some point in this vicinity, to be taken by the Norwich railroad or the Providence railroad, as the case may be, and carried off, and *vice versa*, the business going north to be done in the same way.

Now let me consider the objections, because we do not desire to be understood as claiming that there are not difficulties to be overcome. In the first place, it increases the distance between Lincoln Square and the Junction, one mile. It will be necessary that the freight business north and south, should go a mile further than they do under the existing arrangement. That, it is conceded, is a serious difficulty. But now the Nashua road hauls this freight a mile to the Junction. If the plan suggested by the city should be adopted, the distance would be divided between the roads, so that half a mile would be added to the Nashua road, and half a mile to the two southern roads.

Then it will be claimed, and will be insisted upon here, I suppose, with very great earnestness, that this change will involve a crossing of the Boston and Albany tracks, at points where great difficulties and inconvenience must necessarily arise on account of the frequency of the passage of trains. We have an answer to that which we think is plain and complete. In the first place, they have great difficulties. In passing through the city, it is now necessary for this business to cross the tracks of the Boston and Albany railroad twice. The first crossing is just east of the Foster street station, There the Nashua railroad has to cross, with all its trains, the track of the Boston and Albany, on a sharp curve and a very steep grade; and under circumstances where my friends have been obliged, constantly, to violate the statute of 1855, which prohibits one road from crossing another with its engines without coming to a full stop within five hundred feet of the crossing. That law has been utterly disregarded by the Nashua railroad, ever since its passage. I do not mention this as a threat. I might say that it is impossible for them to comply with the statute. They cannot haul their trains, sometimes a thousand feet in length, round that curve and up that grade, and stop within five hundred feet of this point, and start up again without dividing of the train. Then again, all this freight business crosses the Boston and Albany tracks and the tracks of the Providence and Worcester railroad at the Junction, where every freight and passenger train, and every train of whatever kind, that runs upon the railroad, is constantly interfering with the business. Now, we propose to give them a crossing at Washington Square, where they will be relieved from a very large portion of that inconvenience. In the first place, there will be no crossing of these tracks, except near the station, where they will not be obliged to stop, for the reason that they have to start within five hundred feet. Then the first crossing is at a point where the track of the Boston and Albany railroad will be used only by their passenger engines. No freight trains will ever run on that track. The only trains which will interfere with the Worcester and Nashua road or the other

roads will be the passenger trains of the Boston and Albany railroad. Here is another crossing, made necessary at this point. That is the outlet of the Boston and Albany freight yard. From the necessity of the case, that track will never be used for switching, but simply for the trains running in and out of their freight grounds. No passenger trains are ever allowed to go there, and they will never interfere with the crossing of the track by these two roads.

I say then, that balancing the advantages and disadvantages in regard to the crossings, these railroads can do their freight business cheaper, better, and more conveniently by crossing at Washington Square, than under the existing arrangement.

The tracks of the Norwich and Worcester road and of the Providence and Worcester road will be on the south side of the Boston and Albany road, so that their trains will not cross the track of the Boston and Albany road, except at the outlet of the Boston and Albany freight yard. We claim that that is a more convenient arrangement than the present one.

Then as to grades and curves. It will appear that the grades and curves are without practical difficulty, and are better than the existing ones, where the tracks cross the Boston and Albany road.

Another difficulty, and one which will be pressed very strongly upon the other side, is this: Admitting that these evils exist, it will be claimed that the proposed plan is merely to transfer these evils from one place to another; that we merely accumulate upon the three crossings, to wit, at Grafton street, Green street, and Franklin street, the evils which exist upon the Common and the streets in its vicinity. I concede that, if we cannot meet that objection, it would be a very serious one to the whole scheme. But we think we have a complete answer. As these tracks are now located, through the centre of Worcester, it is impossible to cross the streets in any other manner than at grade. It is impossible to tunnel under, or to bridge over. The land is flat, and the corporations could not build bridges without enormous expense, and if they should build a viaduct or tunnel through the city, the inconvenience to the city would be greater than it is now. But Grafton street is so situated that there is no practical difficulty, as a matter of engineering, in tunnelling it, and a bridge can be constructed without any great outlay, that will pass all the travel under the railroad; and with the sound deadened by planks or some elastic substance, it is believed by engineers who have examined the subject that it will be no inconvenience to the citizens to pass under by a bridge. Thus the grade crossing at Grafton street could be dispensed with.

Then, again, at Franklin street there is less difficulty in building a bridge under the railroad than at Grafton street, and it could be done at a very moderate expense. Green street is a more difficult problem. In order to tunnel Green street, it would be necessary to raise the grade of the railroad for a considerable distance. The difference in level between Green street and Grafton street is but two or three inches, so that, stating back somewhere in the neighborhood of the depot grounds, the grade can be raised, and there will be no practical difficulty in putting a bridge under Green street, to accommodate the travel which passes over that avenue. I repeat, it is to be

remembered that all bridging is physically impossible, as a mere matter of engineering, as the tracks now are, but perfectly practicable in the new condition of things proposed.

The other crossings at grade are over unimportant streets, in the sparsely settled and least valuable portions of the city. That, we say, is a complete reply to the objection that we are going to centre the evils which now exist in another part of the city upon these crossings to which I have referred.

I come now to the matter of expense. I have the estimates of Mr. Ball, the City Engineer, a most competent gentleman, and one who has recently been employed by these railroads to make estimates and plans, in relation to this subject.

If the Norwich and Worcester railroad are required to remove their switching ground and local freight depot to a point south of Madison street, they will have to buy land and grade it at an expense of \$172,000. That is not an essential element in this plan. It would not be a very serious difficulty if their local freight depot were allowed to remain where it is, provided there were sufficiently stringent regulations in regard to the crossings. Then it would cost to construct the tracks from the Junction to Washington Square, and put in the proper turn-outs at Washington Square, \$50,000. It would cost to buy land at Washington Square, for the purpose of affording accommodations for side tracks, upon which this through freight could be exchanged, \$70,000. The whole expense, then, attending the construction of these tracks, getting down to Washington Square, and removing the freight accommodations to the south of Madison street would be \$292,000. I do not intend to say that this expense should be borne by the Norwich railroad; but this would be the expense of the change.

The matter of the buildings is to be thrown entirely out of the question. This union depot is to be built, and the Boston and Albany Railroad Company will build it. The present depot accommodations at Worcester are entirely inadequate and inconvenient. Everybody admits it. Even the remonstrants who come here, inspired by these railroads, all agree that new depot buildings are absolutely essential; so that the expense of these buildings is not to be taken into account, when we are considering the question where they should be built.

It will cost \$292,000 to accomplish what I have stated. Now, what are the compensations? The Norwich and Worcester railroad will release from the burden of their railroad use, 93,300 feet of land, between the Common and Madison street. That land is worth, according to a very moderate estimate of its value, \$141,450. They would have no further use for that for railroad purposes, and it could be sold.

MR. BIRD. Does that land belong to the railroad, outside of their location?

MR. NELSON. No sir, not all of it; part of it is within their location. But they own the fee, and by the union depot act of '69, they were authorized to sell any land which was not used for railroad purposes, of which they owned the fee.

MR. BIRD. You understand that they hold the fee of the land that they took under their location?

MR. NELSON. Yes, sir, they bought it.

MR. SANFORD. There is no reversion?

MR. NELSON. No reversion whatever

MR. SANFORD. Is it perfectly clear that a railroad company can take the fee of land and hold it, and use it for other than railroad purposes?

MR. HALE. Can anybody find fault except the Commonwealth? The man who has given them a warranty title certainly has no claim.

MR. SANFORD. Is there not an implied condition, although there is a grant of the fee and a warranty deed, that the land shall be used for railroad purposes, and if the railroad ceases to use it for railroad purposes, does it not revert to the grantor?

MR. HALE. No, sir, I think not.

MR. NELSON. I would like to remind the committee of what Judge Foster suggests, that when the Blackstone Canal Company wound up its affairs, the Legislature of Massachusetts authorized them to sell their reservoirs and all property which they owned; and under that authority they disposed of their feeding ponds and much other property for mill purposes. The question of the right of the Legislature to grant that authority was before the courts of our State, and the Act was fully sustained. The title to all that property rests upon such legislation as that.

The Norwich and Worcester railroad, I repeat, will release 93,300 feet of land, amounting to \$141,450. The Worcester and Nashua railroad will under this arrangement, have 15,600 square feet released from railroad uses, which is situated in the centre of the city, and is valued at \$23,400. The Boston and Albany railroad will have released 3,350 feet, amounting to \$5,025. Then the Worcester and Nashua and the Boston and Albany roads, in addition to that, own together 170,900 feet of land, which at a moderate estimate, is worth \$236,350. The whole amount of land released, and which they can sell, is \$406,175, to be offset against an expenditure of \$292,000; so that there will remain a balance of \$114,175 to be applied towards the construction of these bridges, which would cost, completed, \$300,000, including the necessary raising of the track. I do not know that it is necessary that all these bridges should be built at this time. It may be that one or two bridges would accommodate all the travel of teams crossing the city, without material inconvenience. But supposing the whole project should be carried out, it would cost these railroads about \$186,000. \$186,000 would release these streets, remove all these difficulties, and transfer the business to where it ought to be done.

I do not include in this estimate what it would cost the Worcester and Nashua road to come to Washington Square. That railroad will extend its tracks to that point whether the proposed changes are carried out or not; they will have ample means of getting down to the new ground. But it covers all the expense of the turn-outs and buying and grading the land.

The land which will be required to be taken for tracks at Washington Square, belongs to the city of Worcester. It is an old disused cemetery, which will have to be removed in any event, and a school house, which is in an unsuitable place. I have computed the full value of that land; but it may be a question whether it should not be disposed of at a more moderate price.

We say, therefore, that on the ground of expense, what we ask for is reasonable. These corporations have become enormously rich out of the traffic of our city. I need not tell you the value of the Boston and Albany

stock to-day. The Worcester and Nashua railroad is the wealthiest corporation, relatively, in the State of Massachusetts. The Norwich and Worcester railroad, if it was not trammelled by its lease to the Boston, Hartford and Erie railroad, which they expect to get rid of shortly, would be an extremely valuable road. But if it were not, a railroad which compelled the State of Massachusetts to buy gold at \$1.80 cts. premium, to pay the interest on its bonds which the State had guaranteed, and then reimbursed the State with greenbacks worth 37 cts. on the dollar, can hardly complain if they are not allowed to continue to inconvenience and disturb great public interests as they do now, when it can be prevented at the trifling expense which these estimates show. We claim that there is no consideration, either growing out of the situation of these roads, their pecuniary condition, or their relations to the community from which they derive their immense profits, which makes it unjust for the city of Worcester to demand these conveniences from them.

Now, as to the manner in which these expenses should be borne. I do not think it would be just to require the Norwich and Worcester road to bear the whole of the burden. These other corporations have an equal interest in the connections. The Worcester and Nashua, the Providence and Worcester, and the Boston and Albany railroads, all have an interest in carrying out the proposed arrangement. The Boston and Albany road would derive great benefit from the discontinuance of its Foster street station. It would save all the trouble of taking its local passenger trains so far into the city. The Worcester and Nashua railroad would be relieved from the difficulty of drawing its freight to the Junction; and all these changes would be so mutually beneficial to all the companies, that I think it would be hardly fair that the burden should fall entirely upon one. I should ask the committee, therefore, if they reported a bill granting the prayer of this petition, to embody in it a provision, that the expense of making these changes should be borne by all these railroad corporations, in some proportion, to be determined by some tribunal, proper to decide the question. I do not think, and I do not claim, that a bill should be passed imposing upon the Norwich and Worcester road the whole expense of a change which will be for the benefit of all.

MR. SANFORD. Do you claim that the city should not contribute anything?

MR. NELSON. Any claim upon the city for a contribution must rest upon the necessity for the construction of these bridges. Whether the city of Worcester shall be required to furnish some portion of the expense of the bridges, is a question submitted to the committee. The railroad companies are the parties on whom the burden should rightfully fall. As the law now stands, when a railroad corporation has laid out its road, neither the county nor the city has a right to build a street across it, unless they pay all the expense. If a bridge is to be built under it or over it, the expense must, as the law now stands, come upon the community. But that is not this case. These are old established streets and highways, and the question is how they shall be used. These railroad corporations have been permitted to cross them at grade, and it is now discovered that that use is no

longer consistent with the public use to which they were primarily devoted and one must yield, to a certain extent, to the other. I think that there would be nothing unjust in the Legislature requiring that these bridges should be built by the railroad corporations. But that is a matter the city of Worcester is not here to haggle about. We are willing that the question how the expense should be apportioned, should be decided by some competent tribunal. It is manifest, however, that the city should not bear the whole expense, because the railroad corporations will derive great benefit from them and save considerable outlay. They have to spend a great deal of money for flag men, and then there is the liability to accident. They have also to keep these crossings in repair, so that the annual expense of maintaining them must be large.

The citizens of Worcester are not entirely in harmony on this question. There will, undoubtedly, very respectable gentlemen appear here, and they are here already, in the form of remonstrants, in opposition to this change; and there is, to a certain extent, a difference of opinion. A minority of the citizens are timid and fearful as to the effect it will produce upon the city. The Foster Street Station is claimed to be extremely important and convenient to the city. People who live on the line of these various roads have come in to remonstrate against it, because they say they are left further away from the Court House, and from the upper part of the city. No doubt it will be an inconvenience to some portion of our citizens to give up that station, yet, I think, a vast majority of the people in our city would dispense with the convenience of the Foster Street Station to secure the advantages which would result from a discontinuance of these tracks across our streets. The horse cars now run to Washington Square, and if a Union Depot should be established there, and all the passengers are left there, the horse cars would run there through the whole twenty-four hours, meeting all trains, so that complete accommodation would be furnished. The additional distance is not great, and it affects only certain portions of the city. The distance from a large part of the city to Washington Square is no greater than to the Foster Street Station. A great portion of the city would be better accommodated than now. Then, a very large portion of the passengers who come into Worcester get off at the station of the Providence & Worcester R. R., which is as far from the Court House as Washington Square.

MR. ADAMS. How far is it down there?

MR. NELSON. It is about half a mile.

Then, a very considerable portion of the passenger traffic upon the Boston & Albany road is on express trains, which stop only at the lower station, and the passenger business going to and coming from the West is left at that station. A very large portion of the passengers on the Norwich road get out at the Junction, but some of them come to this lower depot. The Nashua road leaves and takes the most of its passengers at Lincoln Square (which will probably continue), and a portion, also, at the other station. I think it is difficult to say where the balance of advantages would be, even in that aspect of the case. Still, it is so conjectural, so uncertain, and so trifling at the best, that I do not think it worthy of consideration.

Then a few of the property-holders on Main street think that they are to be injured by a Union passenger station; that this will result in great changes in the

centres of trade. I do not share in that opinion. I think Main street will be greatly benefitted. I think the change will tend to centralize business. It is now straggling off. No business requiring handsome buildings can be done now east of this railroad track. Exactly what the effect will be is of course uncertain, but that it will prove of great benefit to the whole city, I think cannot be doubted.

Then it is claimed that there are some business establishments upon the line of this road which would be inconvenienced, and it is true that there are a few business concerns which would suffer inconvenience from this change. The only reply to that is that the number is very few, and the interests in the whole not large. Some of the concerns are large, but in the aggregate the interests affected are comparatively small, and the great public convenience which would result from this change would far outweigh this injury.

MR. HOWE. There is one point I want to have brought out at some time or other. How is the interchange of freight between the Boston and Albany and the Worcester and Nashua roads effected at present?

MR. NELSON. Until within about eighteen months, it was carried through the city, as the other is; now it is exchanged at Washington Square, precisely as we propose that the through freight of these other roads shall be. I will say, in that connection, that I am informed that the traffic interchanged between the roads mentioned by Dr. Howe is greatly in excess of all the other business.

MR. BIRD. All the land devoted to railroad purposes, as shown on the plan belongs to the Boston and Albany railroad?

MR. NELSON. This down here belongs to the city, the school-house lot and the Cemetery.

MR. BIRD. That is not occupied by any railroad?

MR. NELSON. No, sir; it is not occupied by tracks at all. This part covered by green lines now belongs to the Boston and Albany railroad.

MR. BIRD [to Mr. Lincoln] Do those tracks in Green represent substantially your tracks as you have them now?

MR. LINCOLN. They are very much more extensive than our present tracks.

MR. NELSON. This plan is the plan of the future, not the plan of to-day.

The city is very anxious to consult the wishes and interests of the railroads in this matter, and we are willing to make all reasonable concessions for the purpose of carrying out this enterprise. If a bill like the Act of 1866, chapter 166, could be granted, it would be all we ask.

MR. NELSON then put in the following documents:

Order of Mayor and Aldermen and City Council, passed June 21, 1869.

Petition to the City Government, signed by 3,841 citizens of Worcester, for a vote upon the question at the city election in 1870.

Certificate of City Clerk and copy of so much of Warrant as relates to the removal of the tracks.

Coroner's inquest, Sept. 1868.

Report of City Engineer on the subject.

Extract from the inaugural address of Mayor Chapin last year in reference to the matter.

TESTIMONY OF PHINEHAS BALL.

Q. (By Mr. Verry.) You are a civil engineer?

A. Yes, sir.

Q. You prepared these plans and made the estimates?

A. Yes, sir.

Q. I want to ask you whether, as a matter of practical engineering, there is any difficulty in making the change which has been suggested by Mr. Nelson in his opening with reference to these railroads?

A. No, sir; I don't regard it as a matter of any difficulty in the way of practical engineering.

Q. How about the grades and curves from the Nashua road to the Boston and Albany?

A. The grades are better, starting from Exchange street, which lies at about the lowest point on the Worcester and Nashua railroad, following this line round down to Washington Square, than by the track over the Common, reaching the Junction at that point.

Q. (By Mr. Bird.) What is the fact in regard to the grades and curves?

A. The grades and curves by the present arrangement from Foster street, are harder than they will be by the proposed time. The hardest grade on the present rack is from Exchange street to the Foster street station. It is 52 ft. to the mile, and the radius of the curve is 53-7 ft. I think there are no curves on the proposed line that are more than 143-7 radius, and there are no grades on the proposed line that are over 20 ft. to the mile. Most of it is level.

Q. (By Mr. Adams.) What is the difference in distance?

A. The distance is about twice as far as from any exchanging ground. The Nashua road have got to run a little further to come down to the exchanging ground here, than to start from there and come down to this point; and then the distance is just about the same from here to there. The distance is about 7700 ft. It depends a little upon where the exchanging ground could be made to the best advantage. I think the scale of this plan is 150 ft. to the mile. The grade upon the Boston and Albany road over this ground out to Plymouth street is just about level. Then it commences and runs down about four feet to the mile to Southbridge street. The grades on this line are pretty nearly level. There isn't much ascent or descent. There is a little rise to Summer street.

Q. (By Mr. Nelson.) Is it possible, in an engineering point of view, to bridge or make tunnels adjacent to the Common?

A. It is possible, but it would make a great deal of damage to the real estate.

Q. Practically, is the project feasible?

A. I do not regard it as feasible to bridge any one of these streets without greater damage to the adjoining real estate than you would get benefit.

Q. How is it in regard to these other crossings at Grafton, Franklin and Green streets where the new line will run.

A. Grafton street may be bridged without so much damage to the abutting real estate as would be done on any of these streets in the vicinity of the

Common. Franklin street is the street which may be bridged with the least damage to the abutting real estate. Green street could not be bridged without large damage to the real estate in the immediate neighborhood, and also to the use for railroad purposes of the lands of the Providence & Worcester R. R. The only practical way to bridge it would be to induce the railroad companies to raise the ground of the Union Passenger Station and build the track, and then commence at a grade of about 26 feet to the mile, so that they might put through an underground street by excavating about nine feet. That would require the raising of the tracks nearly out to the Junction, and all this ground now owned by the Providence & Worcester R. R.

Q. How much would it cost to build this bridge at Grafton street, aside from the damages to the abutting estates?

A. \$78,000. It would cost about the same to bridge these two streets — Grafton and Franklin. Green street (not taking into account any raising of the railroad), would cost much more, because the bridge has got to be made longer than the bridges on the other street. Grafton street falls off in this direction. The railroad is the highest point in this neighborhood. Washington Square lies five or six feet lower than the summit of the railroad. It is much more the case with Franklin street, especially in approaching Franklin street from the south side. Approaching it from that side the square is about as high as the surface of the railroad on Franklin street.

Q. (By Mr. Bird.) What is your estimate for tunnelling Green street?

A. I don't think it could be done for less than \$100,000, the lowest possible estimate.

Q. Do you think it could be done for that: damages and all?

A. No, sir, I don't think it could be done for that, damages and all, including the raising of the railroad. The bridges themselves might be built for \$100,000 apiece. About \$300,000, not including what would have to be expended in raising the railroad tracks, which, I think, would reach \$60,000.

Q. (By Mr. Nelson). Then the whole expenditure on all three of the bridges would be about \$360,000?

A. I don't think it could be done for less than that.

Q. (By Mr. Sanford). It would be safe to call it \$400,000, wouldn't it?

A. Well, I think it would be safe.

Q. (By Mr. Nelson). Supposing that should be done, what effect would that have in accommodating the public?

A. It would relieve the travel. The danger of collision with trains would be avoided. The travel of the town of Grafton comes this way, almost exclusively, through Grafton street; follows that street out to Front street. The travel of Millbury and Quinsigamond comes through Green street almost exclusively, and Green street is the main street of exchange between the south side of the city and the centre and west. It is the second street on our list. I think Front street stands first, Green street next, and Grafton street third. Front street has the largest amount of crossing the railroad, Green street the next, and Grafton street the next. If Franklin street were bridged and Grafton was not, Franklin street would take all the Grafton travel that way except what wanted to come to the depot direct, and it would also take the travel which there is now between the local freight depot

of the Boston and Albany railroad, which is over on the Bloomingdale road and the city; it would follow the track up through Franklin street and up Park street. The distance through Trumbull and Franklin streets to Grafton is 147 feet more than through Front street and Grafton to the same point on Grafton street.

Q. How many bridges, in your judgment, would accommodate the travel across those streets—Grafton, Green and Franklin? Could it be done with less than three?

A. Three bridges, I think, would accommodate the public generally. Looking at the matter in an engineering point of view, a bridge on Green street would not meet all the wants of the citizens so thoroughly as it would to bridge at some point between Plymouth street and the Junction. The citizens who own this flat, which has been known for a long time in the city as 'the island,' have been for years attempting to get a street from the Junction of Marlboro' and Cambridge streets directly through this flat, which should cross the roads a little below or a little above Salem street. If that street could be constructed through there, and pass under the Boston and Albany road at some feasible point in that neighborhood, the travel of the towns of Millbury and Quinsigamond would naturally come up the Main street and take Southbridge street, and then cross by that new avenue out, which would be a more direct way, and be more free from obstruction than the present way, down Green street.

Q. How would the expense of building that bridge compare with the expense of the Green street bridge?

A. That bridge could be built the cheapest of any one of the bridges on the line. This land is now entirely vacant, and the city or the parties interested, would only have to take a single estate between Southbridge street and the railroad, on one side. It is vacant land almost entirely from Lamartine street over to the boundary of the Providence and Worcester road on that side; and this land lies low enough, so that you can pass under the railroad at grade, without any excavation at all except what you would make through the railroad embankment. Whereas, in these other cases, you have got to make an immense amount of excavation, and also to put in a large amount of retaining walls, or else grade down the adjoining estates, which would be as expensive as the other way.

Q. [By Mr. Rice.] The Catholic churches are all in the neighborhood of Green street, are they not, or one or two of them?

A. The old St. John Catholic church is on Temple street, and the next in order is down here on Shrewsbury street; and now we have one upon Park street, right by the side or front of the station of the Norwich and Worcester road; and then there is one upon High street at the corner of Corbett street.

Q. (By Mr. Nelson.) Do you think that the travel could be practically accommodated by the building of a bridge at Grafton street, and one at the south part of the city?

A. If I were to build but two bridges, I should take one at Franklin street, and one between Plymouth street and the Junction; and if three, I should take one at Grafton street, one at Franklin street, and one at or near the Junction.

Q. Have you made any estimate to ascertain how much it would cost to construct a track from the Junction of the Norwich railroad or of any of these roads, to Washington Square, and to afford a sufficient number of tracks to accommodate the through business?

A. I made an estimate of the cost of running one track from the Junction down to a point by the East Worcester Cemetery—some point where they might get convenient space for putting in additional tracks for exchange of freights. My estimate included one track from the Junction through to the grounds, and side tracks enough in all to make four miles of track. That would require the filling up of the space between Plymouth street and South-bridge street, to get an additional track between the Providence and Worcester road and the Boston and Albany road. That is, the Boston and Albany road would either have to fill up this space for another track, or shove its tracks back on the north side, and leave the Norwich to take one of its present tracks. Including that filling there, but not including anything for bringing the track down there, or for land there, it would cost about \$50,000 for one track, for the Norwich road alone, including in all about four miles of track, in sidings.

Q. Would not that one track accommodate the Norwich road alone?

A. I suppose so, exclusively for through business.

Q. (By Mr. Rice.) I want to know if that estimate includes the value of the land?

A. No, sir, it does not include any land at all.

Q. (By Mr. Nelson.) Is not that one track sufficient to accommodate their through business?

A. I suppose it is. The Norwich and Worcester road have but one track now across the Common to accommodate precisely the same business that will be done over this one track.

Q. That one track would be as many as they have now?

A. Yes, sir. All their through freight and all their passengers pass over their track on the Common at the present time, and one track in this location would accommodate them as well as their present track does.

Q. How much land would it be necessary for these corporations to purchase at Washington Square to furnish these through freight facilities for exchange, according to the plan which has been suggested?

A. It depends something upon the place where that Union passenger depot is placed, and the precise position that is assigned the exchange tracks. In looking the matter over, it seemed to me it was best if a change of that kind was to be made, that the railroad companies should possess themselves of the old cemetery lot, the school house lot, and all the land that lies upon East Worcester street down to where the Boston and Albany railroad touches East Worcester street. That, I believe, is a little over 300,000 ft.

Q. How much land do you think is necessary to accomplish that purpose, outside of the Boston and Albany ground?

A. The Boston and Albany road now have an engine house in the rear of or opposite the south-east corner of the cemetery. The location of that depot will be such as to get both of the northern tracks of the Boston and

Albany railroad into it, and the outward tracks of the Boston and Albany road will have to go to the north side of that new engine house, and in doing that, they will throw these exchanging tracks further north. Consequently, I cannot see any other way but what they must take this land which is now included in the Pine street cemetery, the school house lot, and the land down Pine street, about 353,000 ft. in all.

Q. How many tracks do you give them?

A. All the roads would want; probably, down there, about six tracks for exchanging freight.

Q. I speak now simply of the business between the Norwich road and the two southern roads?

A. They will want at least four.

Q. How much land would they want outside of the Boston and Albany grounds for the four tracks?

A. That depends altogether upon your arrangement. Of course four tracks can be put upon a space four rods wide.

Q. And how long?

A. They ought to have 3000 ft. in length.

Q. (By Mr. Rice.) Do you include in that, room for the Boston, Barre and Gardner road?

A. No, sir, that is left out.

Q. (By Mr. Nelson.) That makes 198,000 ft. of land. How much is that worth a foot?

A. We estimated this land last spring, as it stands, at 35 cents a foot, in that neighborhood.

Q. It is all city land now?

A. No, sir. If you go that distance, you have got to take some land that is outside of the cemetery.

MR. NELSON. That would cost them \$70,000.

Q. (By Mr. Bird.) What did you mean when you said it would take 353,000 ft.?

A. That would include the land for the Union passenger depot.

Q. (By Mr. Nelson.) Supposing that the local freight of the Norwich road should be transferred from its present location, south of Park street, to a point south of Madison street, and that the railroad company should take all the land between Madison street and the Junction, would that afford them facilities for doing their local business at that point?

A. If they were to take what there is between Madison and Hermon streets, they would have a street front there of 1,050 feet, between Hermon street and Madison street, and an area between Southbridge street and the present location of the Norwich and Worcester railroad of about 151,000 feet.

Q. An area bounded by Hermon street, Madison street, Southbridge street and the Norwich and Worcester location?

A. Yes sir.

Q. Is that exclusive or inclusive of their present location?

A. It is exclusive of their present location.

Q. What was your estimate of the cost of that land and grading?

A. Well, from 170 to \$175,000. The land probably is worth about a dollar a foot, and it would have to be graded, on the average, about six feet. Those buildings stand higher than the railroad, and it would all have to be graded out to Southbridge street.

Q. Would a back wall be needed to protect it?

A. No; I think it might be graded down to the level of Southbridge street. The rise from Hermon street to Madison street is about four feet, while the fall from the Norwich and Worcester location to Madison street is about six feet, and that might be graded in level, which would enable you to use this land between the Norwich and Worcester road and Southbridge street, without a bank wall.

Q. Supposing the Norwich freight house should be left where it is now, and they should be restrained from switching and making up their trains on the crossings of Southbridge and Madison streets, would that be a convenient arrangement, both as regards the citizens and the railroad itself?

A. As far as the public are concerned, the only annoyance to the public would be the running of their freight trains across Southbridge and Myrtle streets to reach their grounds.

Q. How many trains would there be a day?

A. That I can't tell you. It depends upon their business. The true way to use that ground with the least inconvenience to the public, would be that they should do all their switching below Madison street, and only run such cars across Southbridge street up to their freight house as had local freight to discharge and the cars needed to load their local freight into. There is a mark made on this plan, where Mr. Smith, the president of the Norwich road, proposed to carry his freight house back to a point intermediate between Myrtle and Park street. He proposed to carry their freight house, fronting on Park street, back, so as to make plenty of room, inside of their freight house, for the exchange of freight cars.

Q. Supposing they should remove their local freight house to Madison street, how much land would be left unused for railroad purposes that they now own?

A. About 9400 feet, from Madison street, to the Foster street station—land now covered by their location, and outside of it.

Q. What is that worth?

A. I estimated it at \$1.50 a foot. The land in the neighborhood of the Foster street station is worth much more than that.

Q. That would make \$141,000. How much of the land of the Worcester and Nashua railroad, which they now use, between those two points, would be released from railroad uses?

A. 15,600 feet. That includes their location, and a strip 13 feet, 4 inches in width, which they bought some years ago of the Norwich and Worcester railroad, and also some small pieces between Front street and Mechanic street.

Q. Is that worth about the same?

A. Yes sir.

Q. Now, coming to the point south of Front street, how much land of the Boston and Albany railroad would be released there?

A. A small piece covered by the railroad location south of Front street, 3,300 feet.

Q. What is that worth a foot?

A. I call that the same. There is some other land outside of the tracks; I don't know how much.

Q. The Boston and Albany railroad and the Worcester and Nashua railroad would release 170,900 feet; that is, the entire ground that is occupied now by the Foster street location and their location between Foster street station and Summer street?

A. There would be that amount of land released from railroad uses, if the tracks are given up.

Q. Is this land that is to be given up owned by these companies?

A. I don't know. I never examined the titles.

Q. You have given an estimate of the expense of constructing an additional track south of the Providence and Worcester railroad, between the Junction and Washington Square. Is there land sufficient there, belonging to these railroads to build this additional track?

A. They have, I believe, land sufficient all the way, unless there may be a point near Grafton street.

Q. Who owns it?

A. The Boston and Albany and the Providence and Worcester roads.

Q. So that the only land that it would be necessary to buy, outside of the railroad land, would be this small piece near Franklin street?

A. Near Green street.

Q. How large a strip would it be necessary to buy?

A. The Boston and Albany railroad have four tracks across there, which they use largely for switching, running their trains into Grafton street, then back to Franklin street, and then back again to Grafton street. If their switches were so arranged as not to reach Grafton street, I think there is room enough for all the tracks which would be needed for the three railroads. The Worcester and Nashua railroad track crosses the Boston and Albany, just east of the Park street station. It is within 200 feet east of the Foster street depot. There is a grade down Exchange street, and that crossing, some of it, is 52 feet to the mile.

Q. To go to the Junction, what are the tracks of the Boston and Albany railroad crossed by?

A. The Norwich railroad freight trains of all kinds, pass and repass there.

Q. There are trains of all kinds, freight and passenger, crossing constantly on each road?

A. Yes sir; all the freight of the Norwich road crosses the Boston and Albany at the Junction, and also its passenger trains.

Q. And, *vice versa*, the Boston and Albany freight and passenger trains are constantly crossing the Norwich road?

A. Yes sir; and also the freight of the Nashua railroad that goes to the Providence and Worcester road. That all crosses the Boston and Albany tracks to go to the Junction.

Q. Will you explain to the committee how this through freight business should be arranged?

A. The natural arrangement of the tracks would be, to put the Norwich and Worcester track between the Providence and Worcester and the Boston and Albany tracks. That will require no crossing at the Junction, of the tracks of the Providence and Worcester, the Worcester and Norwich, or the Boston and Albany. They will fall naturally into their places there. There would be no crossing of passenger tracks at all by either of those three roads, into the Union depot. They would all run parallel to each other, the Boston and Albany on the north, next comes the Norwich and Worcester, and next the Providence and Worcester, not crossing each other at all, into the Union passenger depot. In order to transfer freight, the freight coming down on the Norwich and Worcester, in the centre, would have to cross the Boston and Albany freight tracks, which would be carried outside of the Union passenger depot to their freight grounds, ; and the same thing would be true of the Providence and Worcester exchange freight. That would have to cross the freight tracks of the Boston and Albany road, near the west end of the Union passenger station.

Q. Would that be outside the freight yard of the Boston and Albany road?

A. That would be outside of the freight yard. Then, in order to get the freight from the Norwich and Worcester and the Providence and Worcester roads over to the north side of the passenger tracks which would come into the Union depot down below the passenger depot, those trains would have to cross down upon the exchanging ground.

Q. Would any freight trains pass over the passenger track belonging to the Boston and Albany railroad?

A. If the arrangement were made as shown upon this large plan, with the Boston and Albany freight yard entirely upon the south side of its passenger tracks, the freight need not cross at any point, except near Grafton street. The freight trains need not cross each other down near the exchanging ground, because the freight coming up from Boston or going out may go south of the present tracks.

Q. Then no trains except the Boston and Albany passenger trains would interfere with the through freight at that crossing?

A. No sir; the passenger trains and exchange freight would interfere with each other only on the east side of the depot.

Q. That is on the supposition that the present switching grounds of the Boston and Albany road are moved further east from Grafton street, than its present location?

A. Yes sir; they now switch in a large measure through Grafton street.

Q. Then the Boston and Albany road now make up their trains on the Grafton street crossing?

A. They are obliged to back across there a great number of times during the day.

Q. [By Mr. ———] Is it not possible to so arrange the tracks as to avoid any crossing?

A. I do not see how it is possible. I have given the subject a great deal of study, to devise the best possible arrangement.

Q. [By Mr. Rice.] A road that runs through Worcester north and south, must cross a road that runs through east and west?

A. Yes sir.

Q. [By Mr. Howe.] You told us it was about a mile and a half further for the Worcester and Nashua road to connect in this way at the proposed station. Now, how much will be saved by the new arrangement to the Norwich and Worcester road?

A. There will be nothing saved under the new arrangement to either road. Each road will be lengthened about 7,700 feet.

Upon the suggestion of the committee, Mr. Nelson stated that he would prepare a bill embodying the views of the petitioners, to be presented at the next meeting, and the hearing was adjourned to Thursday, at 10 o'clock.

SECOND DAY.

THURSDAY, March, 23d.

CROSS-EXAMINATION OF PHINEHAS BALL.

Q. (By Mr. Rice.) These accounts of the amount of passing at different points, were made under your direction, I suppose?

A. Yes, sir, they were.

Q. And who estimated the value of the land?

A. Well, sir, I made up the estimate myself, from the best information I could get. I inquired of various parties what land was selling for and what it was worth. I inquired of some men who are in the habit of dealing in real estate constantly there in the city. I inquired of Mr. Barbour, for one, and Mr. R. C. Taylor for another. Mr. Barbour bought the Perley Goddard estate, and is now cutting it up and building upon it. Barbour and Allen have a very little of the Goddard estate which would be covered by that plan which was made by Mr. Blake. I asked them in regard to that, and they said the portion which would be covered by that plan, they should not ask over 12½ cents or 15 cents a foot for.

Q. Have you included in that estimate anything for the land on the southerly side of the present location of the Boston and Albany railroad, from the Junction to Washington Square?

A. No sir; I included no land there. The Providence and Worcester railroad and the Boston and Albany railroad have land enough to put in the additional tracks without purchasing any more land.

Q. How many additional tracks would be needed?

A. Well, to give the Norwich and Worcester railroad the same accommodations to the new depot that they now have across the Common would only require one additional track for the through business alone.

Q. Leaving the freight business where it is now?

A. Leaving the local freight where it is now, the through passenger and through freight business can be done on one track, as they do it now across the Common.

Q. Now I want to ask you which you think is worth the most, the land along-side of the railroad, on the southerly side, or the land on the location of the Norwich and Worcester road, below Southbridge street?

WITNESS. You mean the land down upon East Worcester street, which would have to be purchased.

MR. RICE. Yes, take that land.

A. That land on Southbridge street is worth very much more.

Q. Why so? Is it not back land?

A. That land along Southbridge street from Madison street to the Junction, is worth much more than that on East Worcester street that they would have to buy.

Q. That is your judgment?

A. That is my judgment. The present occupancy of the land, its present proximity to the centre of business in Worcester, gives it an additional value.

Q. Is it anything more than back land to back-door yards of ordinary houses?

A. I understand you to mean the whole estates; I did not understand you to mean the strip owned by the railroad, 15 or 20 feet wide.

Q. I ask you in regard to what belongs to the road through there. Nothing else but that strip?

A. Most of that strip where the tracks are, between Madison street and the Junction, is so situated that it would not be so valuable as the present estates, because Beacon street, which lies to the west of the Norwich and Worcester railroad, is forty feet higher, in some places, than the railroad bed itself, and consequently the railroad bed, when disused, would become nothing except back yards to the estates, now fronting on Southbridge street. The land which I estimated at \$1.50 a foot, is the land from Foster street station to Madison street, nothing below Madison street.

Q. You included in this 468,000 feet all the land which you say the Norwich and Worcester road have got to purchase?

A. I believe that the report does not say that the Norwich and Worcester road is to purchase that land. That land is to be purchased for the use of the roads in common, to make these changes. Some of it will be used by the Norwich and Worcester, some by the Worcester and Nashua, and some by the Boston, Barre and Gardner, and some by the Boston and Albany. The land is all included in one item.

Q. [By Mr. Nelson] That covered accommodations for the local freight of the Norwich and Worcester road at Washington Square?

A. Yes sir.

Q. [By Mr. Rice.] What does the 468,000 feet mentioned on the 12th page of your report cover?

A. 468,000 feet to carry out the entire plan presented by Mayor Blake; taking the ground covered by the engine house, car houses, wood shed, the freight tracks, and four miles of sidings.

Q. Would they need any less than that, if they should have to come down there for their exchange of freight?

A. Very much less, sir.

Q. How much less?

A. I don't think they would need more than an eighth part of it for single track for exchange of freights. They need two tracks for exchanging freights, and all the land they would need would be enough to put those two tracks upon.

Q. How could they get along with only two tracks, in exchanging freights with the Worcester and Nashua road?

A. Well, three tracks certainly would be sufficient.

Q. How many did you calculate for with the 468,000 feet.

A. There are four miles of tracks there.

Q. How many tracks? Three or four?

A. There are fifteen tracks, lying side by side.

Q. For the Norwich and Worcester?

A. According to that plan, the entire business of the Norwich and Worcester road is to be transferred down to Washington Square: local freight, exchanges,

and all. It would be in effect, a discontinuance of their entire tracks from the Junction to the present Foster street station, so far as business is concerned.

Q. Over what roads does most of the coal come into Worcester?

A. From actual knowledge I can't tell you.

Q. Well, from general information, as a man who knows something of what is going on in Worcester?

A. From general information, I suppose that the traffic is divided between the Norwich and Worcester and the Providence and Worcester railroads. Which carries the most, I don't know.

Q. Where are the coal yards?

A. There are two coal yards by the side of the tracks of the Norwich and Worcester; one of them on Hammond street, just below the Junction, the other below Hermon street. Both of those are below the new freight ground. Then there are two yards by the side of the Providence and Worcester, one on Gold street, and the other on Green street. Then there is one coal yard on the Worcester and Nashua road, on Central street. The coal which goes to the Central street yard is furnished over the Norwich and Worcester road.

Q. How is it about the Manchester street yard?

A. Yes, there is one on Manchester street.

Q. That would have to be given up, wouldn't it?

A. Not of necessity, that I know of.

Q. How could you keep that?

A. The coal could be sent to Washington Square, and back on the Worcester and Nashua road, as at present.

Q. Can you touch that coal yard from the Worcester and Nashua road?

A. There are two coal bins upon Manchester street; one is filled from the Worcester and Nashua tracks, and the other is filled from the Boston and Albany tracks, at present.

Q. (By Mr. Nelson.) Won't you explain to the committee how many more square feet of land are covered by this printed report, which you prepared for the railroads, than by anything which has been asked for before the committee?

A. This printed report was prepared in explanation of the plan which was prepared by Mayor Blake, and that plan contemplated the taking of the entire freighting business of the Norwich & Worcester R. R., from its present location on Park street, and transferring it to the ground near East Worcester street, as represented on the plan, and also putting their engine house, car house, and the buildings necessary in connection with the engine house and car house upon this ground; taking them out of the space which they now occupy below Park street, and transferring them to the ground indicated upon the plan. To do that, would require very much more room than it would to merely put in three tracks for the exchange of freight. There are fifteen tracks on that plan, with sidings, and I see two more tracks for the engine house, and three more for the car house.

Q. Does it cover the expense of the changes in reference to the Boston, Barre & Gardner road also?

A. No, sir, I made no estimates for the Boston, Barre & Gardner road, except what I put down for a certain parcel of land which they would occupy—27,900 feet; but no large amount of expense is put down. This plan of Mayor Blake also contemplated the remodelling of the entire side tracks of the Boston &

Albany road, the building of a new engine house, and the building of a new freight depot upon the Bloomingdale road, taking away both of the present freight houses and one engine house which they now have. The estimate includes the expense of these changes, and it also includes the expense of filling up the present land which is owned by the Boston & Albany road, a large section of which would have to be filled fourteen feet in depth, and require 180,000 cubic yards of filling to grade that ground up to the present surface of the tracks. But no estimates were made for the expense of buildings.

Q. How much of the amount which you have given in this report is made up of those matters of which you speak, which are not covered by what we ask for now?

A. I cannot tell.

Q. A very large part of it?

A. I should say nearly half of it at first thought. I should want to look it over before expressing any definite opinion.

MR. NELSON. I wish you would do so.

MR. RICE. We should be glad to have you go over it and separate the items.

Q. (By Mr. Nelson). Do you know the Goddard estate at Washington Square which is now owned by Mr. Barbour?

A. Yes, sir, I know it well.

Q. Do you know what that land sold for the other day?

A. No, sir, I don't.

MR. NELSON. In obedience to the instructions of the Committee the other day we have prepared a bill, which we now present: not, necessarily, as the bill which is to be asked for or insisted upon here by the city, but as indicating a method and plan of accomplishing what we desire. It is a plan which will accomplish all that the city ask for, and afford the railroad companies a method of arranging their business in case the tracks are removed from the streets.

In addition to this printed bill which we lay before the Committee, we have prepared one or two additional provisions to be inserted in relation to matters of detail which were developed after the bill had been printed. They relate to the manner in which the street crossings shall be used by the companies, and also confine the roads in their new locations to the railroad street crossings which already exist.

I desire to offer next a copy of a vote passed by the Directors of the Worcester & Nashua R. R. Co., September 1870, which is as follows:

"At a meeting of the Directors of the Worcester & Nashua R. R. Co., held on the 10th day of September, 1870, the following resolution and vote were adopted:

"Resolved, Whereas a large number of the citizens of Worcester are desirous of having the passenger depot on Foster street discontinued, and a Union passenger depot erected and established, and also of the removal of the tracks across the Common now, therefore

"Voted, That the Directors of this Railroad Company do hereby signify their assent to the making of said change, and the removal of their tracks across the Common, provided they are properly compensated for the right they now have in the Foster street depot, under a contract with the Boston & Albany R. R., and suitable arrangements can be made for proper connections with other railroads for an interchange of freight."

The first section of this bill provides for a just and equitable allowance to be made to the Worcester & Nashua R. R. in the rent of the new station.

MR. ADAMS. What is the object of the second additional provision you have here?

MR. NELSON. If all the business of these roads, which now passes over the Common, is transferred to Washington Square, and passes over Green street, Grafton street, and Franklin street, we want to provide that no switching, no making up of trains, or distributing of trains, which is now done to a very considerable extent on Grafton street shall be done there; and we claim that even supposing those crossings were to continue to exist as grade crossings, without bridges, if the making up of trains on these streets is discontinued, they will not be any more, or so much, interrupted by the passage of trains as they are to-day. This provision is designed to prevent all that evil. The effect will be, very likely, to postpone the construction of these bridges for a long period of time.

I further desire to put into this case an abstract which has been made by the Clerk of the Courts in Worcester, of the inquests that have been held on the bodies of persons who have been killed on the lines of these roads that we propose to have changed. And I desire to say, in offering this testimony, that we do not offer it for the purpose of showing that the railroad companies have been guilty of carelessness, or that they have not done all in their power to prevent these accidents. That is conceded. We do not claim that these corporations have been careless, but we offer the testimony for the purpose of showing that with all the care they have exercised, and all the efforts they have made to avoid these distressing accidents, still this great number have occurred even within the last few years. It appears that seventeen persons have been killed upon these tracks which we ask to have removed. This, of course, does not show the number of accidents that have occurred where persons have been injured, but not killed.

MR. ALDRICH. Does that show how many were killed on the crossings, and how many who were killed while walking on the tracks between the crossings?

MR. NELSON. No, sir; they are all mixed up together. The history of each case is given.

MR. ALDRICH. Does it show any case where life was destroyed on any crossing between the Foster street station and Lincoln Square?

MR. NELSON. That is not a matter that would come into this case. We do not ask the discontinuance of any crossing between those two points.

MR. ALDRICH. I only ask as to the fact.

MR. NELSON. I think very likely not. We do not ask for the discontinuance of those crossings. They seem to be absolutely indispensable where they are now; they cannot be changed. I understand that this does not cover any of the tracks that Mr. Aldrich inquires of. We do not claim that the Worcester & Nashua R. R. have been careless at all; but we say that, notwithstanding, they have exercised all the care in their power the lives of these persons have been destroyed.

MR. ALDRICH. It does not cover the persons who have been killed on the crossings of the Boston & Albany R. R.?

MR. NELSON. No, sir; the Boston & Albany R. R. does not run anywhere in this vicinity.

MR. ADAMS. You mean that these persons have been killed on the tracks which you desire to have discontinued?

MR. NELSON. I mean between the Junction and Mechanic street. I now put in the votes of the Town and City of Worcester authorizing these railroads to cross the public Common without any compensation. They have had the right to cross the Common granted them by the city before they located the roads, and the city has waived all claim to damages, and nothing has ever been received by the city on account of the crossing of the Common. I also desire to state—what I suppose will be conceded by everybody—that this Common is an ancient park which has been in existence since the earliest settlement of the town, and these streets over which these railroads are to be discontinued, are all of them ancient streets, existing long before the location of these railroads, with the exception, perhaps, of one or two. All the important ones, at least, are old thoroughfares of the city, and no compensation has ever been paid to anybody by the railroads for the liberty to cross them.

I also put in the action of a meeting of the representatives of the railroad, and the representatives of the city, held in the City of Worcester a few weeks ago, after this petition had been presented, for the purpose of ascertaining whether some satisfactory arrangement could not be made between the city and the railroad companies to harmonize these difficulties.

MR. SANFORD. Who were the parties in the meeting?

MR. NELSON. Representatives of all the railroad companies in Worcester, and certain representatives of the City Government of Worcester.

MR. SANFORD. When was it?

MR. NELSON. Within the past fortnight or three weeks. The city made this proposition to the railroads:

It is proposed to build a Union Passenger Depot at Washington Square for all the Companies;

Leave the Freight Stations and the Passenger Station at Lincoln Square substantially as they are;

Remove the Passenger Station from Foster street as soon as the Union Depot is completed;

The Norwich and Worcester Railroad Company to do' their switching and making up trains south of Park street;

The through freight only to pass across the Common;

The through trains not to stop between and including Lincoln Square and Madison street, upon public streets, or the Common, unless in case of accident; and no objection will be made to the passage of an act by the legislature imposing suitable penalties.

So that the difference which existed between the city and railroads at this meeting, simply related to the through freight. Supposing that the railroads were willing to concede that all the passenger traffic should be transferred to Washington Square, and a union depot established there, the question was whether the track crossing the Common and streets should still continue to exist as it does now, for the purpose of accommodating the through freight business between the Worcester and Nashua railroad and the southern roads.

MR. SANFORD. The railroads merely insisted upon their right to send through freight across the Common?

MR. NELSON. Yes sir.

MR. RICE. It was only offered as the farthest limit to which they would go.

MR. NELSON. I don't know about that. They agreed to it, and seemed to think the city ought to accept it. The committee will remember that in September, 1870, the Worcester and Nashua railroad agreed even to abandon the transportation of their through business across the Common, by the vote which I have read, provided only that suitable compensation and allowances were made to them on account of their contract with the Boston and Albany railroad, for depot accommodations at Foster street, and that suitable arrangements should be made for the transfer of freight between the roads.

Perhaps I should add a single explanation. The plan submitted by the city, contemplates that the freight-house of the Norwich and Worcester road should be permitted to remain where it is now, south of Park street (that is not, perhaps, expressed in this proposition but that was the understanding); that the crossings at Southbridge street and Madison street should not be used for switching purposes, but should be used simply for the purpose of transporting their trains from one side to the other, it being understood that the corporations could easily obtain switching grounds on their own premises, at a point south of Madison street. The result of this would be, that the principle expense of the whole enterprise, which is the moving of the Norwich freight business to a point south of Madison street, would be saved. The land which is to be released, would of course, have to be regarded on one side, and then the expense of making these new accommodations south of Madison street would be avoided.

MR. RICE. Do you mean to say that is possible?

MR. NELSON. Entirely possible.

MR. ADAMS. What is the objection to bringing the track right across there?

MR. NELSON. That has been suggested as a means of getting rid of the through freight difficulty, but there are insuperable objections to it. It is utterly impossible to be done as a grade crossing.

MR. ADAMS. If there are insuperable objections, that is enough.

MR. NELSON. Perhaps I may as well state some of them.

MR. SANFORD. I think you had better leave that to your engineer.

MR. NELSON. The first and most obvious answer (which is not a matter of engineering,) would be, that we should then have a track over which a number of long trains would pass every day, separating the entire city from their only passenger station.

TESTIMONY OF D. W. LINCOLN.

Q. (By Mr. Nelson.) You are Vice President of the Boston and Albany railroad?

A. Yes, sir.

Q. Won't you state to the committee any matters which you have to communicate in relation to this subject?

A. There are three aspects under which I have always considered this case: first, as it affects the city of Worcester, in regard to the public convenience of using its streets and the Common; second, as it affects the traveling public; and third, as it affects the railroads themselves, and their facilities for doing their business. So far as it affects the streets of the city, I do not propose to say anything, because I suppose the city will represent

their own case; but in relation to the traveling public, I have some statistics which I desire to offer the committee.

The committee will observe that the remonstrants magnify, as I think rather largely, the convenience of Foster street station. I admit that it is a great convenience to the city of Worcester, and I have no doubt it is a convenience to the people who use the local trains upon the various railroads entering the city; but still, I think this convenience is very much exaggerated. The remonstrants state that nineteen twentieths of the passengers who take or leave the cars at Worcester go to the Foster street station. Instead of nineteen twentieths which is ninety-five one hundredths, the number is about fifty-four one hundredths. I have here the returns from ticket agents, which show that during the last year there were sold at the Foster street station in round numbers, 75,000 tickets for points east of Worcester, on the Boston and Albany railroad. Of those 75,000, 16,000 were package tickets, which of course means a ticket to go both ways, so I consider it fair to deduct one half; so that the actual number of passengers who bought their tickets and took the cars at the Foster street station last year was 67,000. Of this number, 5,000 were tickets sold for the regatta, two miles below the city, which can hardly be considered the legitimate travel of the road, which would reduce down to 62,000. Then I should say, that package tickets are not sold at the lower station, so that every individual who uses those tickets whether he takes the cars at the Foster street station or at the lower station, buys them at the Foster street station. That would probably reduce the number taking the cars at the Foster street station two thousand.

At the lower, or Washington Square station, there were sold last year 26,700 tickets for points on the Boston and Albany railroad, east of Worcester. At the Junction station, there were sold only 1600 tickets for Boston and all points east of Worcester on the Boston and Albany road. So that last year 28 per cent. of the Boston and eastward-bound passengers bought tickets at the lower station. I think the proportion is very much larger than people, who have not access to the books of the company, are aware of.

By the Norwich and Worcester road, there were sold at the Foster street station 942,00 tickets. By the Worcester and Nashua road, which uses the same station, there were sold 57,200 tickets. That road, however, has a large business, amounting to several thousand passengers, who go to the camp-meeting at Sterling, which is very much like our regatta business on the Boston and Albany railroad.

The aggregate of Tickets sold at the Foster street station last year was 167,000. At the Washington Square station, there were sold 26,700 tickets to passenger going east, and 37,900 to passengers going west. The total at the Washington Square station was 64,600.

The Providence and Worcester road, which has an independent station of their own, sold 57,000 tickets, in addition to the tickets which are sold for their special trains, which have not been returned to me. They have a special train running from Worcester to Uxbridge, to accommodate people who do business in Worcester and live on the line of the road. This train is paying well. I have no means of determining the number, but I estimate it at 8000. This would make an aggregate of 65,000 who buy their tickets at that station.

The Worcester and Nashua road also sold at their Lincoln Square station 10,700 tickets.

Then at the Junction, which is a station built by the roads exclusively for the transaction of their joint business in the interchange of passengers, but which is used to some extent for the local business, there were sold, by the Boston and Albany road going west, 20,400 tickets; going east, 1600 tickets. There were sold by the Providence and Worcester road, 15,900 tickets, by the Norwich and Worcester road, 7,500 tickets, and by the Worcester and Nashua, 2700 tickets. Making the aggregate number of tickets sold at the Junction, 48,000. I have a note from ticket agent at that station, who says that of those 48,000, he estimates that about 5,000 only are sold to citizens of Worcester; the rest are passengers who come there by one road and take the cars of another at that station. There are no through cars that come to that station, to go from one road to another; the passengers all change cars there; and he estimates that there are about as many passengers change cars there who do not buy tickets as there are that do. He estimates that there are about 100,000 passengers a year who change cars at the Junction.

The total number of tickets sold all through the city is, on the Boston and Albany road, 153,900; on the Providence and Worcester 80,000; on the Worcester and Nashua 70,000; on the Norwich and Worcester 50,000. The aggregate is 360,000.

In the city of Boston alone there were sold 115,800 tickets to passengers, who go over the line of the Boston and Albany road, and do not stop at Worcester at all. In addition to that, there are about 10,000 more, as estimated, who buy tickets at the local stations on the Boston and Albany road east of Worcester, and go beyond the Junction.

By the present arrangement, every passenger train on the Boston and Albany road, except one which passes in the night, stops at the Junction to interchange passengers. They are all obliged to make what is called the "Know-Nothing stop," where we cross the Norwich and Worcester road at grade. If the proposed change is effected, this stop will be unnecessary, for the passenger trains of the Norwich and Worcester road, instead of crossing the track of the Boston and Albany road at grade, will come into the union station at Washington Square on the south side of us. There will be no crossing of tracks, and we shall avoid two stops one way and one stop the other, by all our trains, except a single night train. We think we represent, not only the people of Worcester, whom we desire to accommodate in every way, but we represent the great traveling public, who go over the Boston and Albany railroad. The Norwich and Worcester trains have to make this same stop, and the Providence and Worcester trains stop at the Junction to interchange passengers. The result is, that in order to accommodate that portion of the citizens of Worcester and vicinity, who desire the continuance of the Foster street station, all the through passengers upon the Boston and Albany road, and all the passengers upon the Norwich and Worcester and Providence and Worcester roads are subjected to the inconvenience and delay of stopping at the railroad crossing and at the Junction, each losing thereby as much time as the Worcester passenger would lose by going to the Washington Square station. The number of passengers thus detained at the Junction was over 320,000 each way, in 1870.

In relation to the local travel at Worcester, it is proper to say, that although a large majority of the passengers who take the cars at the Foster street station live in the city, there are a large number who arrive there by private conveyances and by stages, to whom it would make very little difference, whether they went to the lower or the upper station; and of the people of Worcester who use that station, a very large proportion are willing, as shown by their petition to forego the advantages which they derive from it for the sake of the general good of the city.

I believe it is represented by the remonstrants, that the greatest inconvenience to the people of Worcester, is by the freight trains crossing the Common. My own view is, that that is an entire misapprehension of the fact. I think that four times as many passenger trains, and engines connected with passenger trains go across the Common and adjacent streets, as freight trains. While, as the business is now done, there are only some ten or twelve freight trains a day that cross these streets and the Common, there are fifty passenger trains and engines switching forward and back, to get to the passenger trains, so that the greatest relief to the travel would be by the removal of the passenger trains.

In relation to the interchange of freight, I have no means of knowing how many cars are interchanged between the Worcester and Nashua, and Providence and Worcester, and Norwich and Worcester roads. During the month of February last, the Boston and Albany road delivered to the Providence and Worcester road 1,045 cars of freight; to the Worcester and Nashua 849 cars; and to the Norwich and Worcester 807 cars. The manner in which the interchange is effected with the Worcester and Nashua road is this: The cars that come from the Junction are brought down to the yard of the Boston and Albany road at Washington Square, and the Worcester and Nashua engines come and haul them off. The business with the Providence and Worcester railroad is done in the same way. The Norwich and Worcester business is divided; part of the cars are carried up to the Junction, and part up to the Foster street station.

Q. (By Mr. Howe.) The Worcester and Nashua road exchange freight with you now, precisely as they would under the proposed arrangement?

A. Substantially they do. The location would probably be changed somewhat. This arrangement has only been in operation, I think, about a year. Previously to that, the business was done in the same awkward way in which it is now done with the Norwich and Worcester road. I understand that the present arrangement is a very satisfactory one to all parties.

Q. (By Mr. Barnard.) Does the proposed plan involve a discontinuance of the Junction depot?

A. The matter of the Junction depot, as a local accommodation, is of very little consequence to us, or to anybody, I imagine. There are only five thousand tickets sold there to Worcester people. If it is thought desirable it can be continued, but we should desire the committee to put a section into the bill permitting the Boston and Albany railroad to discontinue stopping its express trains there. Under the consolidation act, we are not allowed to discontinue any trains for the local accommodation of the people without the authority of the Legislature; and as this Union depot was made solely for the

convenience of the through travel, we should desire legislative authority to discontinue stopping our through trains there. If it is required that we should continue to stop our local trains there, it is a matter of no consequence to us.

Q. (By Mr. Howe.) Are you prepared to show how the interchange of freight is effected between the Worcester and Nashua road and the Providence and Worcester? This point has struck me from being on the spot. In making up the trains for New York, the Norwich and Worcester train comes up to the Foster street station, goes out across the Common, and then has to back up again into the station. In fact, it crosses four times. It seems to me that a passenger train doing that must be very much more in the way than a freight train.

A. The freight trains are very much longer, but I think the passenger trains are more dangerous. They move more quickly than the freight trains. In relation to the interchange of passengers, I would state that we have a large exchange business of passengers as well as freight with the Nashua and Worcester railroad. The manner of interchanging passengers between the Boston and Albany and the Nashua and Worcester roads, I consider a disgrace to the corporations. Passengers have to walk about three hundred feet in all kinds of wether, with no shelter, and I do not think there can be any shelter, because they have to cross five passenger and freight tracks. It is a very awkward, and, as I say, disgraceful arrangement for roads that aspire to make a through line. I understand, also, that the Nashua and Worcester road intend to put on a through car, to run in connection with the boat, which I think a very desirable thing for them to do. This connection here will be a very awkward one. It will be very difficult to make up those trains if they run a through car. Now all the passengers change cars.

Q. (By Mr. Nelson.) Will you state to the committee your views as to whether or not the plan which has been exhibited for the exchange of freight between the Nashua and Worcester road and the Boston and Albany roads at Washington Square is a convenient one?

A. My own opinion is, that the Boston and Albany road will have to submit to greater inconvenience than any other road. All our freight trains must cross the tracks of the Norwich and Worcester and Providence and Worcester roads west of the station, and their through trains and those of the Nashua road must cross our passenger tracks east of the new station. We have got to submit to that arrangement; but I have no doubt it can be done with safety, and without any very serious inconvenience.

The Boston and Albany road are without any plan of their own. They desire to accomplish this change, and they are willing that any accommodations they have shall be used for the purpose, so far as it is necessary, without interfering with their own business.

Q. (By Mr. Howe.) Would it not be possible to put in a series of tracks for the interchange of cars upon the various roads, as joint property, under the control of a superintendent who should be appointed by all the roads, and not belong to any one of them?

A. That is a matter of detail and form. I should suppose that if one road should employ the agent, under certain rules satisfactory to all the roads, there

would be no difficulty. The only difference would be, that in one case he would be on the pay roll of one road, and in the other he would be paid jointly by all the roads.

Q. (By Mr. Bird.) Would not this be the result, if all the roads were to operate together, that as sensible business men they would come to the best arrangement among themselves?

A. I have no doubt they would. It seems to me it would be very much like the system we have adopted with the Providence road at the crossing in Boston. There is a man appointed by the two roads, and under pay of both, who has control of the target, whose rule is law while he is there. Whichever train he gives the signal to has the right of way, and the other has to stop. The trains of the Nashua and Worcester railroad cross the tracks of the Boston and Albany railroad, and I do not see why the trains of the other roads cannot do it in the same way.

Q. (By Mr. Howe.) Has there ever been any complaint on the part of the Worcester and Nashua road in regard to the operation of the present arrangement.

A. I have never heard of any. I understand the men running the trains think it a great improvement on the old arrangement.

Q. (By Mr. Nelson.) If I understand your statement, in your judgment, there is no difficulty in having the exchange of freight between these north and south roads effected in the manner delineated upon this plan?

A. I think it is a perfectly feasible plan. Of course there are objections to any plan. We should very much prefer that there should not be any passing through our yard.

Q. Will you state to the committee what the intention of your road is, in regard to the building of the Union depot at Washington Square?

A. I believe Mr. Chapin stated, at the general meeting of these various roads that as the Boston and Albany railroad Company owned the land, it would be satisfactory to them to erect the station at their own expense, and manage it under such arrangements as might be agreed upon, the other roads to pay a reasonable rent for the accommodations which they enjoy.

Q. (By Mr. Adams.) I suppose you don't regard the accommodations at Washington Square as very sumptuous accommodations for such a road and such a city!

A. We are not proud of them, sir.

Q. (By Mr. Nelson.) Why has the erection of a new depot been put off so long?

A. I can hardly say. The managers of the Boston and Albany road, so far as I know their views, do not care to go on and put up a station that is not adapted to all the business to be done there. In case we should go on and put up one sufficient for our own business only, of course it would be entirely inadequate if the union should hereafter take place. Furthermore, one main reason why we desire to enter into this arrangement is, that we may get rid of the crossings and the stop at the Junction; and if the Norwich and Worcester road is to continue to run its passenger trains over the Common as they do now, we should not get rid of these stops.

Q. Are you able to state whether this bill is practicable under the circumstances?

A. I should think it was, substantially; some modifications may be desirable.

Q. (By Mr. Howe.) As I understand the purpose, it is that the local freight trains of the Norwich road shall still come across your track, as they do now. Will not that make the stops necessary?

A. No, sir. As the law is interpreted, I believe, by the railroad authorities, a passenger train does not have to stop if the track is crossed by a freight road only. I know that point came up on the Grand Junction road a year ago. We began to run freight trains, and the Fitchburg road considered that they had a perfect right to go by with their trains without stopping, but as soon as we put on an emigrant train, which runs once or twice a week, the Fitchburg road said we had become a passenger road, and their trains must stop.

Mr. NELSON. Sec. 93 of Chap. 63 of the General Statutes, reads as follows:

"When a railroad other than a horse railroad or a railroad on which no passenger trains are run, is crossed by another at grade, every engineer on either of the roads, shall before reaching the crossing, stop his engine at some point within five hundred feet therefrom."

As that provision has been construed, all stopping at these crossings will be dispensed with.

Q. (By Mr. Anderson.) If on the three roads, the Boston and Albany, Providence and Worcester and the Norwich and Worcester, there were only passenger trains running, or only freight trains running, there would be no crossing or stopping at all?

A. The freight trains of the Boston and Albany road would have to cross the passenger tracks of the other roads.

Q. Supposing there was nothing but freight or passenger trains, there would be no crossing?

A. If there were none but passenger trains, there would be no crossing. But the Boston and Albany freight trains would have to cross the passenger tracks of the Norwich and Worcester.

Q. Supposing it was all freight, the Boston and Albany track is the most northerly; then comes the Norwich and Worcester, then the Providence and Worcester; and they could all run into this yard without crossing, could they not?

A. Yes sir, if there were no passenger trains.

Q. And if they were all passenger trains, there would be no crossing, as they would all run into the depot here on their own tracks. The freight track of the Boston and Albany road is southerly of the passenger tracks.

A. Before reaching the depot, our freight trains must cross the tracks of the other roads to get into our yard.

Q. So that either the freight trains have got to cross each other, or some of the freight trains have got to cross some of the passenger tracks?

A. All of the freight trains of the Boston and Albany have got to cross the passenger tracks of the Norwich and Worcester and the passenger tracks of the Providence and Worcester, to get into our yard.

Q. (By Mr. Nelson.) Your passenger trains at that point cross the tracks of the through freight only?

A. All our freight trains will cross the track of the Norwich and Worcester.

ter, and of the Providence and Worcester roads, west of the station, and their through freight trains to the Nashua road will cross our passenger tracks, east of the station.

Q. (By Mr. Barnard.) On which side do you think it would be best to have the trains made up, on the north side or the south side?

A. The exchanging ground to be used by the north and south roads, should be north of the tracks. The yard of the Boston and Albany road south.

Q. (By Mr. Nelson.) That there may be no misunderstanding, I will ask you whether, by this arrangement, the through freight trains between the northern and southern roads, will not be the only trains that will cross your passenger tracks?

A. That is all, sir.

Q. And the only tracks of yours that the passenger trains on all the other roads will be obliged to cross, will be your freight tracks, at the outlet of the freight yard?

A. We cross them, I should say; our freight trains would all have to cross their passenger tracks, or what is substantially the same thing, their passenger trains would have to cross our freight tracks.

Q. So that by this arrangement, the passenger trains of neither road will be obliged to cross a track where both passenger and freight traffic is carried on?

A. No sir.

Q. (By Mr. Sanford.) Is there not as much danger in crossing freight tracks as in crossing passenger tracks, where the business is as large as it will be there?

A. Freight trains move a good deal slower than passenger trains.

Q. (By Mr. Adams.) All your passenger trains move slowly there, don't they?

A. Yes, sir.

Q. (By Mr. Sanford.) How would it be at the Junction? The freight trains would still cross your tracks, wouldn't they?

A. The local freight of the Norwich and Worcester road would continue to cross us.

Q. Is that a dangerous matter?

A. Yes, sir; every crossing of one road by another is a weak spot, and must be properly guarded.

Q. Is there any difference between freight and passenger trains as to danger?

A. No, sir, not if they go at the same rate of speed.

Q. (By Mr. Sanford.) Why don't you arrange your plan so as to avoid that difficulty, and make a clean sweep?

MR. NELSON. I cannot state whether that would be more practicable than the present plan or not. I am inclined to think there would be difficulties in the way, and that this is the simplest.

MR. BIRD. Anything but cost?

MR. NELSON. The cost would be very much increased by that arrangement, because this immense net-work of tracks would have to be changed very much more than would be required by this plan.

MR. SANFORD. Is there not land enough to be got south of the Boston and Albany road for the freight business of the Norwich road?

MR. LINCOLN. It is very low and broken land, and a good deal occupied by buildings.

MR. NELSON. There would be this difficulty. The Norwich road must necessarily come between the Providence road and the Boston and Albany; hence, if you throw them on the southern side of the Providence and Worcester tracks, you would have the same difficulty with their trains that you have with the Boston and Albany; you have got to cross the Providence and Worcester track. My associate, Mr. Verry, suggests that that could be done by transferring the Norwich freight station to some point beyond the Junction, between the tracks of the Providence road and the Norwich road. That might be done, but the difficulty would be that it would result in great detriment to the business of the Norwich road. It would transfer their local freight so far out of town that the Providence road would do all the freight business to New York, and seriously interfere with the competition that now exists.

MR. RICE. That is to say, it would leave one of the northern roads up in the centre of the city, and take the other away a mile.

MR. NELSON. That would be an insuperable objection to the plan.

MR. SANFORD. Why can they not run up on the south side of the Boston and Albany road until they get up into the vicinity of the Providence freight station?

MR. NELSON. Then they would have to cross the Providence track, unless they should take the Providence track, and the Providence road go beyond, which I suppose they would object to.

MR. LINCOLN. I don't believe that there is any land available to the Norwich and Worcester road except some which is owned by the Boston and Albany road upon the south, the side of the Bloomingdale road. There is a large area there of vacant land, which could be used for any purpose, public or private.

Q. (By Mr. Bird.) There is land enough there, between Washington Square and the Junction, only it would cost a good deal to fill it?

A. Yes, sir; it is a question of cost, entirely.

Q. (By Mr. Rice.) Would that be a suitable place for a freight depot?

A. I don't know why it is not as good as our place, except that it might be said it would give the Providence road an advantage, and we have no wish to injure the Norwich road in any way.

Q. (By Mr. Sanford.) Why cannot their freight grounds be between the freight grounds of the Providence railroad and Washington Square.

A. Then they would have to cross the Providence railroad at some point between the station of the Providence and the Boston and Albany roads, and besides there is no unoccupied ground.

MR. SANFORD, to Mr. Nelson. It seems to me a very serious defect in this plan, that it fails to accomplish a very important object when it leaves that territory still to be crossed by freight trains. I do not see why there is not as much danger of running into freight trains as into passenger trains. If freight trains go slower, they are longer in getting across the track. It seems

to me it is a very serious defect in your plan, that you do not make clean work while you are about it.

MR. NELSON. That is true; but you will find that both the Boston and Albany and the Worcester and Nashua roads would much prefer that the Norwich freight should remain at some point between the Junction and the Common, so that change is one that neither party asks for nor desires. They are willing to have the local freight house of the Norwich railroad near where it is now. Nor do either of the railroads claim that so great a change should be made as the one suggested.

Q. (By Mr. Adams.) Do you regard it as any great danger in railroading to have one track cross another, under proper limitations?

A. No, sir.

Q. (By Mr. Howe.) The problem here is to have two railroads that come in south of the Boston and Albany railroad connect with two railroads on the north. Is there any conceivable way in which they could avoid crossing each other.

A. I do not see how, unless they go under or over, which I suppose is impossible.

Q. I take it that crossings where trains are made up and move very slowly, are not very dangerous.

A. There have been various accidents at the crossing at the Junction, within the last five years. I cannot explain them. I do not know why they should happen, unless through the carelessness of the employees of the roads. It is certainly a dangerous crossing.

Q. (By Mr. Rice.) Will you be kind enough to explain why it is any more dangerous than other crossings?

A. I don't know why it is any more. I say accidents very frequently happen there.

Q. Isn't it less dangerous?

A. I don't know how it is.

Q. Your trains all move slowly and stop there.

A. Yes sir.

Q. There are not so many there as there are at any other place?

A. There are fewer there than there will be in Washington Square.

Q. Fewer than there are now?

A. We don't cross there at all now.

Q. (By Mr. Aldrich) Is not the crossing at the Junction nearly at right angle?

A. No sir, I believe it is at quite an acute angle.

Q. Which is the more dangerous, crossing at right angles, or at a more acute angle?

A. I do not know that there is any difference. There is no difference in the risk of collisions, certainly.

Q. (By Mr. Foster.) You speak of the Foster street station as a convenience to a portion of the citizens of Worcester. Won't you explain to the committee what portion of the citizens of Worcester are accommodated by that location better than they will be by the proposed union depot—how far south and how far north the convenience extends?

A. It would be chiefly, I think, the section bounded by Pleasant street on the south, and by State street on the north, and perhaps as far west as the city extends. The lower part of the city, in the neighborhood of Lincoln Square, is about as near to the proposed new depot, as it is to the Foster street station. The village of New Worcester would be about as near. It is only a comparatively small section of the city and quite a small portion of the population that will be incommoded by the change.

Q. Everybody living south of Pleasant and Front streets will reach the proposed new depot as easily as they now reach the Foster street station.

A. Very nearly. The difference is immaterial.

Q. And everybody living north of the Court house will reach it by Summer street, in about the same time?

A. Yes, sir.

Q. (By Mr. Adams.) I take it that persons coming from neighboring towns to trade or shop in Worcester, would be incommoded, because all your retail business is on that street?

A. I have no doubt the present station is more convenient to persons coming to Worcester to trade than the new one would be. But in reply to that I would say, that the location of the depot of the Providence railroad is quite as distant and inconvenient as the proposed depot, but the local business of that road is the next largest to ours in Worcester. I would say also, that the Norwich and Worcester road has not increased its passenger business in Worcester at all during the last two years, not a passenger; if anything, it is a little less; while the passengers upon the Providence and Worcester road have increased some ten or twelve thousand.

Q. What proportion of the population of Worcester lies south of Front street? Is it not more than half?

A. I have no doubt it is much more than half.

MR. BIRD. I think the Committee will require you to tabulate those facts.

Q. Whether all these railroad corporations have not once agreed to establish this Union Depot at Washington Square, abandoning the Foster street station, and whether the plan did not fall simply because the terms on which it should be executed could not be agreed upon between the companies?

A. I understand that the representatives of the roads have twice agreed, formally, to the establishment of that depot. They agreed to it a year ago at a meeting where every road was represented by two or three representatives; and the representatives of the several roads agreed, a fortnight ago, that it was desirable to have such a station at that point.

Q. (By Mr. Adams). Was anything said about abandoning the Foster street station?

A. That, I suppose, has always been understood. I do not know that anything was said about it.

Q. (By Mr. Foster). Was it not originally agreed, some time ago, that the Foster street station should be abandoned?

A. Yes, sir.

Q. And then the roads quarrelled in regard to the proportion of the cost they should respectively bear?

A. Yes, sir; they could come to no agreement.

Q. A fortnight ago did not the Presidents of the roads come to an agreement for an abandonment of the Foster street station, and of all business across the Common, except the freight business between the Norwich and Nashua roads?

A. Mr. Nelson has read the paper agreed to by all the roads represented?

Q. That included the Presidents of the Norwich and Nashua roads?

A. Yes, sir. Now, there is one matter which the Committee will have to know about at some time, which has not been brought up. Thirty years ago the Boston and Worcester R. R. sold to the Worcester and Nashua R. R. a certain piece of land, and at the same time they agreed to give them a perpetual right to the use of the Foster street station, in its present or improved condition. Under that contract they are bound to give the Worcester and Nashua road all the facilities which they enjoyed in that station at that time, for ever, and also in certain curved tracks. The Boston and Albany road do not repudiate that contract. They understand that the Worcester and Nashua road is entitled to a fair equivalent.

Q. (By Mr. Aldrich.) There is a contract with the Norwich and Worcester road, is there not?

A. No sir, nothing of that kind.

Q. (By Mr. Foster.) The Worcester and Nashua road now comes to Washington Square, and exchanges all its freight with your road there?

A. Yes sir.

Q. In what way does it get there?

A. It has a track of its own to Shrewsbury street, I think. I do not know exactly what point it comes to. They substantially own down to our road.

Q. (By Mr. Aldrich.) You were inquired of by one member of the committee, in relation to the present arrangement for running railroad trains into the Foster street station. He spoke of the steamboat train running out across Front street, to the Common, and then backing into the depot. Now, upon building a new depot at the Foster street station, would there be any difficulty in so arranging that as to prevent the necessity of that altogether? Could not the trains run directly into the depot, or by the side of it?

A. I think that can be done but the engines must cross the streets. I don't know how north and south roads can make a connection, without crossing Mechanic street.

Q. Suppose you put your depot near that curved track, or over it?

A. I presume that could be done.

Q. And could not the Nashua trains, and the Boston and Albany trains come in and stop there without going over the Common or Front street at all?

A. Yes sir, but their engines must cross to get to their engine houses.

Q. Has there not, to your knowledge, been a plan devised for accomplishing that?

A. I never have seen any.

Q. (By Mr. Adams.) Is there any insuperable objection to building your station lengthwise of the track there, and letting your trains run through it?

A. No sir; all the freight trains would have to run through it or by the side of it.

Q. (By Mr. Aldrich.) And in that case, the necessity for crossing Front street and backing up would be avoided?

A. Yes sir. But the crossing of the street would have to be increased by it. The Nashua engines would have to cross Mechanic street and Front street, which now they do not do; the passengers are transferred now. The difficulty to the public would be increased. After the Nashua trains had run in, the engines would have to go across those streets twice, to get back to their engine-house.

Q. You don't mean that, do you sir? Suppose a train comes in on the Nashua road and runs into that new depot, constructed upon the plan suggested, it would not cross Front street, until it went on to the south, would it?

A. The Nashua engine does not go on. It would go to a switch at some convenient point South of Mechanic street, and then back down to its engine house, crossing Mechanic street twice.

The train could not be switched into the Depot, because the track is on an up grade of fifty feet to the mile.

Q. (By Mr. Rice.) The train would stop there at the depot. What is the necessity for the Nashua engine going any further south?

A. How can it get back to its engine house without?

Q. How do they now?

A. They go into the station, discharge their passengers and back out without crossing any street now.

Q. They would have to then?

A. Yes, sir.

Q. Will you explain why?

A. If you are going to have a through passenger train, the Nashua engine has got to disconnect, go out to a switch, and then go back to their engine-house.

Q. Why would not the Nashua trains come in as they do now, and go out as they do now?

A. I thought Mr. Aldrich's question was in reference to a through train.

Q. [By Mr. NELSON.] Would not two engines be obliged to do that—your engine and the engine of the steamboat train?

A. We do it now.

Q. And would then under this new arrangement?

A. Yes, sir.

Q. [By Mr. ALDRICH.] I would again ask you whether you do not now remember that this very arrangement at the Foster street station, which has been suggested was devised during the time of Mr. Twitchell's administration, in 1864?

A. There was a plan for a local station, to accommodate the three roads, but no plan of this kind, to go through Mechanic street was ever made that I ever heard of.

Q. You say that the freight business between the Nashua road and the Boston and Albany road is now done at Washington Square?

A. I understand it to be entirely.

Q. Do you know of any reason why that change has been made?

A. It was done, I believe, by my own orders.

Q. Why has it taken place now, and not heretofore?

A. I suppose it was an old arrangement between the Western, and Norwich and Worcester roads to enable them to make a connection with each other by way of the Junction without crossing the yard or tracks of the Boston and Worcester road. After the Union it went on until our attention was called to it, and then the change was directed to be made.

Q. This new arrangement has taken place since the consolidation of the two roads?

A. Yes, sir.

Q. The Western road had no ground on which to do this business at that time?

A. The Western road could not make a connection with the Norwich road without crossing the Worcester road, except at the Junction.

Q. I understand that the Worcester and Nashua road have made an arrangement to run a through train from the White Mountain region to New York. Won't you explain how such a through train could get into your Union depot?

A. I suppose the Nashua road can put their through car on to the rear of our New York train, or on to the boat train without any difficulty at all. The seats would have to be turned over. I don't know anything else that would have to be done.

Q. The front of the car would become the rear?

A. Yes, sir.

Q. How would you get rid of the engines?

A. When the engine of the Nashua has delivered its cars to us it will have done its duty, and go back to the engine house, and we take the train and *vice versa*.

Q. Is not this the way in which it is usual to make up a passenger train: first the locomotive, then the baggage car, then the second-class car, and then the passenger cars?

A. I suppose if a train were made up for one point it would be done in that way; but we make up a good many of our trains in parts. We have, for instance, the train going up to Framingham. First, there is the Boston and Albany train proper; next to that are the cars for the Boston, Clinton, and Fitchburg road; then those for the Milford Branch. Each of these parts has its baggage car attached, and they are switched off at the Framingham Junction and go right on. There is no breaking up trains; the parts are merely disconnected.

Q. This through train coming from the north and running into the new depot, would it not have to run in inverse order, unless it was made up anew? First, the first-class passenger car, then the second-class car, and then the baggage car in the rear?

A. I don't know any objection to that.

Q. Do I understand you to say that this plan involves an abandonment of the Junction depot?

A. That is as may be desired; it is not necessary that it should be. I think I said that we thought our through trains should not be required to stop there. If it is considered important to maintain a station there for the local traffic, it is a matter immaterial to us.

Q. I will ask you whether it is not a part of the plan to abandon the Junction.

A. I have not heard that it was a part of the plan. My own judgment would be, so far as our road is concerned, that it would be better for the city to discontinue stopping trains there, and give them a station at Janesville. But that is a local matter entirely; It is not a part of the scheme.

Q. Is there not a considerable portion of the population of Worcester who are accommodated at the Junction?

A. No, sir. That is proved by the fact there are only five thousand Worcester people who take the trains there a year.

Q. In estimating the number of passengers at the Foster street station, did you take into account the season tickets?

A. I am not sure that the season tickets were taken into account. The season tickets are not more than a dozen or twenty.

MR. ALDRICH. Some thirty-seven, I understand.

WITNESS. Well, thirty-seven. I took an account of the package tickets.

Q. Have you made any estimate of the number of persons who left the cars at the Foster street station?

A. I am willing that these figures should be doubled to give the whole number of passengers using that depot. I am willing to assume that as many arrive as depart from it, although I do not that think so many do. All my figures of the passengers on all the roads should be doubled to the whole.

Q. Is not a very large part of those persons who have business in that part of the city—at the court house, insurance offices, banks, stores, and various places in that immediate vicinity?

A. That portion of the public is very small. All from the north who have business at the court house will stop at Lincoln Square; all who come by the Providence road will not be affected at all; all who come from the west will not be affected; it is only the passengers on the Norwich road, and a small portion of the passengers on our road, from Westboro' and way stations who will be affected.

Q. Of the persons who take the cars at the Foster street station, are not a very large portion persons who do business in that vicinity.

A. It is very difficult to tell, sir. The largest local train we receive from Boston is the afternoon train. I suppose it would make a difference of five minutes, sooner or later, in their getting their tea. I think the delay to the through passengers is very much more important to them. A delay of five minutes to the through passengers may prevent a connection with Portland, or Lowell, or with a horse car going out of town. It is very much more important to through passengers than delaying the Worcester passengers.

Q. Now, it appears that there were 175,000 tickets sold at the Foster street station in 1870, and you say it is fair to assume that as many more arrived at that station, making 350,000 in all. Now, of the 175,000 arriving at the Foster street station, is there not a very large proportion who are on

their way to their homes in that immediate vicinity, or to their places of business in that immediate vicinity?

A. I have no doubt of it.

Q. And would not that 175,000 persons be subjected, if this change takes place, to half or three-quarters of a mile additional travel every time they arrive at the depot?

A. Yes sir, they would. You make no allowance for the 8000 package tickets sold. The number should be 167,000.

Q. The difference in distance between the union depot, as contemplated, and the Foster street station is half or three-quarters of a mile?

A. Yes sir, half a mile.

Q. Don't you know, as a matter of fact, that a large proportion of those persons who have signed this petition from Worcester, desired merely the removal of the tracks from the Common, and did not desire the removal of the Foster street station?

A. No, I do not. I have never seen the petition. I have no doubt at all, that if the Boston and Albany road and the Worcester and Nashua road could reach the Foster street station, after those tracks across the Common were removed, the people would be quite willing to have the station remain there.

Q. Don't you believe, that of the three thousand and more who have signed this petition, a very large proportion would desire to have the Foster street station maintained where it now is, if that could be done, and have the tracks removed from the Common.

A. I think very likely.

Q. (By Mr. Rice.) Up to 1864, what was the general public sentiment in Worcester, in relation to the relative convenience of these two depots—the Foster street and Washington Square?

A. I think there was a very general desire at that time that the Foster street station should remain where it was.

Q. Was not the location of the Washington Square depot always considered as very inconvenient to Worcester, and very unfortunate for the public convenience and the business interests of the city?

A. I didn't suppose such a thing.

Q. Was it not generally so considered?

A. I don't think it was. I think there was a good deal of that old-fashioned feeling in Worcester, a fear that the city would be made a way station.

Q. Was not the general talk, was not the public speech of people, that the Western railroad was under the control of Springfield influence, and they put that depot down there to make Worcester a way station, regardless of the interests of Worcester?

A. No, sir; I don't think that feeling ever existed. If it did it was a very singular one.

Q. I don't ask you whether it was singular or not. I ask you if that was not the common speech of people?

A. I think there was a great deal of that feeling, as I have said.

Q. Were you a Director of the Boston and Worcester R. R. in 1864?

A. Yes, sir.

Q. Did not the Boston and Worcester, the Worcester and Nashua, and the Norwich and Worcester Railroads all agree, at that time, as to the most suitable location for a Union Depot, and was not that at Foster street?

A. At that time they agreed to make a station for the accommodation of those three roads at Foster street. They selected that as the only place of meeting of those three roads.

Q. Up to that time had you ever heard any considerable fault found, or known of any great inconvenience experienced in regard to that crossing on the Common?

A. I think that the complaint about the crossing on the Common has been of long standing, and a very general one.

Q. Did it make itself manifest in regard to the new depot?

A. Not to the extent of moving the station.

Q. Is it not, then, the desire to have a new depot rather than the trouble in crossing the Common, that influences the present movement very much, in your judgment?

A. I am hardly in the City of Worcester enough to know about the public sentiment for the last four or five years.

Q. You have already said that if they could have a new depot at Foster street, you think the people would be satisfied?

A. I think they would be content to have it there.

Q. You think they would waive the inconvenience of the crossing on the Common if there was a new depot there?

A. No, sir, I don't. I am very positive they would not.

Q. Is there any more inconvenience at Front street, where there are 50 or 60 engines crossing, than at Grafton street where there are 166?

A. Front street is very much the more important one.

Q. Which is the most important, that or Green street?

A. I think Front street is more important than any other street crossed by the tracks; that is my impression.

Q. Green street comes second in point of travel?

A. I should think so.

Q. Don't the Providence and Worcester road make up their trains upon Green street, Plymouth street, and the streets above there?

A. I did not suppose they did on Green street.

Q. They do on Plymouth and the other streets, do they not?

A. I am not familiar with their way of making up their trains.

Q. Does not the table which has been put in show that a great many more locomotives cross Plymouth street and Grafton street than cross Front street?

A. There are more trains cross Grafton street, than any other street of the city.

Q. Now, has any order of the City Council ever been directed to your road, in regard to your making up your trains on Grafton street, to your knowledge?

A. I am not aware of any special order to us. There was a general vote passed.

Q. Was not that vote confined entirely to the crossings of the north and south roads?

A. I am not aware how that is. I never received any notice from them myself.

Q. These estimates of Mr. Ball were made up at your request?

A. They were made up at the request of myself, but by a vote of the representatives of the various railroads: Mr. Kinnicut, Mr. Smith, Mr. Chapin (representing the Providence and Worcester railroad), and myself.

Q. Have you examined the calculations and estimates in Mr. Ball's report?

A. I have, somewhat, sir.

Q. You see that he estimates the value of the land, which it will be necessary for the Norwich and Worcester road to purchase, along the southerly line of your location, from the Junction to the Square, at thirty-five cents a foot. What is your judgment in regard to the practicability of obtaining that land for any such price as that?

A. I think that thirty-five cents a foot is enough for the land at the union station.

Q. Have you been able to buy any land there recently at any such price as that?

A. Yes sir, very much less than that, within four years. I bought some land of you for forty cents a foot.

Q. That was two or three years ago, wasn't it?

A. Yes sir, it was the last we purchased.

Q. And when you tried to buy the land adjoining that of Mr. Walter Henry, how much did he ask?*

A. I think he asked a dollar a foot.

Q. Were you able to buy it for less than that?

A. I didn't try.

Q. Isn't that the price that has been asked, ever since the sale I so unfortunately made?

A. I never did anything about it. It was a perfectly absurd price. It is not worth a quarter of a dollar to-day.

Q. Now, supposing this change should cost the Norwich and Worcester road half a million of dollars?

A. I won't suppose any such case as that?

Q. I don't ask you to; I suppose it, and I ask you if your road would be willing, or consider itself bound, under the 18th section of this bill, to contribute to the Norwich and Worcester road, any share of that expense?

A. I don't think they ought to be asked to.

Q. And do you think anybody would have any power to make you do it, if you were not willing?

A. I don't know how that would be.

Q. (By Mr. Nelson.) Mr. Rice has enquired of you about the price of land, at Washington Square. Who owns that land?

A. The city of Worcester owns a large portion; the Boston and Albany railroad own a portion of that which would be used for these joint tracks, and individuals own the remainder.

Q. How large a portion is owned by the city?

*NOTE. Mr. Lincoln wishes to correct this statement. It was another party and not Mr. Henry, who asked this price.

A. I should think half of the whole.

Q. What in your judgment could that land be procured for from the city of Worcester for that purpose?

A. I should think thirty-five cents would be a very large price, with the incumbrances upon it. It is a burying ground now. That has got to be moved.

Q. (By Mr. Rice.) How far from this land is Mr. Walter Henry's land that he asks a dollar for?

A. It is part of the very land that is marked on the plan of Mr. Blake. But the Boston and Albany railroad owned much better land the south side of the Bloomingdale road, which they have sold for ten cents a foot within a few years. We have no more land there to sell for private purposes. Any land which we have they can have for railroad purposes for a reasonable price.

Q. Have you any objection to the provision in the bill, that the manner in which the expense of this arrangement shall be borne shall be determined by the railroad commissioners?

A. I have not examined the details of the bill. I do not think that there will be any difficulty in making a satisfactory arrangement with the Boston and Albany railroad for the payment of any part of the expense which properly belongs to them.

Q. This bill which has been presented by the city contains this provision:

"All expenses incurred by said several railroad corporations, in making all the changes, alterations and improvements herein before authorized or directed, except the construction of said Union passenger depot, shall be paid by all said corporations, in such manner and in such proportions as the railroad commissioners, upon the application of any of said corporations, shall adjudge and determine to be just equitable, and unless said corporations shall agree upon the proportion to be paid by each."

A. My own judgment is, that each railroad should build and own the tracks necessary for its own exclusive use.

Q. And should pay its own expenses?

A. All that is to be used exclusively by itself.

Q. (By Mr. Nelson.) Should you think it equitable that the city of Worcester should bear any portion of this expense?

A. The city of Worcester has a large piece of property, that I suppose everybody is willing to dispose of at a reasonable price. I have no doubt they could give an equivalent to the Norwich and Worcester railroad in the price of that land. It seems to me it is reasonable that they should do it. It is the cemetery lot. There the Norwich and Worcester railroad have 14000 ft. of land that is worth thirty or forty thousand dollars. They have a piece of land between Front street and Mechanic street twenty-five or thirty feet wide, which is worth two or three dollars a foot, which they can dispose of. My impression is, that if they are permitted to retain their freight station at Park street, they have got property enough to sell to nearly pay the expense of the change that is contemplated.

MR. NELSON. The land of which Mr. Lincoln speaks as worth two or three dollars a foot, is the same land which Mr. Ball estimates at a dollar and a half a foot.

TESTIMONY OF WALTER HENRY.

Q. (By Mr. Nelson). How much did you ask for the land to which Mr. Lincoln has referred?

A. Forty cents a foot is all I ever asked for it. I will sell it now for that.

Q. Mr. Lincoln was wrong, then, when he said you asked a dollar a foot?

A. He was mistaken; that's all.

TESTIMONY OF HON. C. W. CHAPIN.

I inferred from one question that was asked Mr. Lincoln; that it was thought the public had not much interest in this question of the stops at the crossing, and at the Junction, in the making up of trains; that it was merely a matter of accommodation to the railroads. I consider the getting rid of these stops one of the great features of the proposed change. A train starting from this point to go west of Worcester leaves a large number of passengers at the Washington Square Junction, and takes in a large number of passengers. We do not know how many will be taken in at the Junction, and if we, on arriving at Washington Square, have a hundred empty seats, they will be occupied in a way that makes it very inconvenient for the eighty or hundred passengers who may get in at the Junction to find seats. If the passengers all got in at Washington Square they would get better accommodations, and save all the time at the crossing and at the Junction. While it remains as it is now there will always be a large number of passengers to get in and out at both points. I think the public would be better accommodated by the proposed arrangement.

In relation to the question which was asked as to the objections to one railroad crossing another at grade, I did not quite understand Mr. Lincoln's answer; but if it should be taken that he assented to the proposition that such crossings were not objectionable, I should dissent from him. I look upon them as very objectionable in any view. We have got a great many of them, and some which we ought not to have. We have adopted the policy, for the last ten years, of getting rid of crossings at highways, even as fast as we can, where it is possible to make the change; and a railroad crossing at grade is worse than a highway crossing at grade. I do not know of a crossing on our road where there has not been an accident.

Q. (By Mr. Bird). Have there not been very many more lives lost on the crossings of highways than on railroad crossings?

A. Yes, sir; I think there have.

Q. I understood you to say that the crossing of one railroad by another was more objectionable than the crossing of a highway by a railroad?

A. Well, the liability to a very great accident is much greater by a railroad than by a travelled road. I put it on that ground.

Q. The liability to injury to the railroad itself is greater at a railroad crossing; but the liability to the loss of life is very much greater on highways, is it not?

A. A large portion of the loss of life that happens upon railroads, is in consequence of persons walking on the tracks—not at crossings. There are accidents that happen at crossings, but such accidents are usually slight in comparison with what they would be with trains meeting.

Q. (By Mr. Nelson). Do you see any difficulty in the freight of the northern and southern railroads being interchanged at Washington Square—any substantial, insuperable difficulty?

A. No, sir. I think the greatest inconvenience would be to our road. At that freight must cross our road at some point. If we avoid its crossing at the Junction, where it now crosses, we shall, of course, have to put up with the inconvenience of its crossing at a point below.

Q. (By Mr. Aldrich). You say that the crossing of one railroad by another is objectionable. Is not that objection increased by the number of tracks that are crossed? The larger the number of tracks the greater the objection to the crossing, isn't it?

A. It is the number of trains passing, and not the tracks, that make the objection.

Q. Suppose you have fifteen tracks lying side by side, would it not be more objectionable than a smaller number of tracks?

A. I have never seen a crossing of that size. It would be very inconvenient to cross so many tracks.

Q. Wouldn't you have to cross more track at the Washington Square Station than you do at the Junction?

A. No, sir; just as many, I should think. We should not have to cross more than two, and we have to do that at the Junction.

Q. That would depend upon the point where you cross, wouldn't it.

A. If the crossing is according to that plan the Boston and Albany road would have to cross two tracks—the Norwich and Worcester, and Providence and Worcester.

Q. Is that more or less than you cross now at the Junction?

A. It is the same, I believe, except at the Junction the passenger trains cross as well as the freight, which they would not have to do here.

MR. NELSON. I desire very much to get the instruction of the committee as to the manner in which we shall proceed. We are here with a large number of the inhabitants of our city, who are prepared to testify in regard to the dangerous character of this crossing, the great public inconvenience which exists, and the great increase of this inconvenience which has taken place within a few years. I do not know as the committee desire that that matter should be gone into further. We are prepared also, to show the almost universal public sentiment of our city in favor of this change. We have introduced evidence of this kind, by this petition, and the unanimous action of the city government upon all these matters and also shown to the committee the extreme danger and inconvenience to the public on account of the crossing of these important thoroughfares by railroad trains, by exhibiting plans, and we have also shown how these difficulties can be all remedied. Now, whether we shall call citizens of Worcester to confirm this testimony or not, I wish to submit to the consideration of the committee. They are here, and if we call a great number, it will take a great deal of time. I suppose our friends on the other side will admit nearly everything we claim in regard to the dangerous character of these crossings, but will attempt to meet the inferences which we claim should be drawn from these facts by showing other considerations; that the expense will be great; that the same evil will exist elsewhere, if we try to change it; that there are considerations which overbalance the advantages which we claim will arise

from the change. It strikes me, therefore, that time can be saved, by the committee, at least, if we can ascertain what ground the other side take in opposition to this application. But we leave ourselves in the hands of the committee.

MR. RICE. We should prefer that our opponents put in their whole case before we are called upon for a defence. If they rest here, that is one thing, but if they propose to introduce this testimony at any time, it would seem to us that the present is the time.

MR. NELSON. We place ourselves entirely in the hands of the committee.

MR. BIRD. We have before us the vote of the people and the action of the City Government which we think is to be taken by us, until the contrary is made to appear, as indicating the feelings of the people in the matter. Therefore we do not see that it is necessary, at present, to summon a portion of those people who have expressed their wishes for that vote. It seems to us, that the question is, Do the counsel on the other side admit or not that it is desirable that this obstruction of the streets should be avoided, if a feasible plan, one which may reasonably be imposed upon the railroads, can be presented? Is not that the point really before the committee?

MR. RICE. We claim that it would be a greater public inconvenience to have the depot removed from Foster street than now arises from the crossings; and we claim, also, (as is apparent, of course,) that it would subject the Norwich and Worcester road to very great outlay and general loss and depreciation, so much so as to overbalance anything which they claim on account of the public convenience in favor of the change.

MR. BIRD. That we understand, I think. We understand that is to be your case.

MR. RICE. Of course, it is an inconvenience to any city to have a great machine-shop in it, or to have a railroad run through it. Any of these things are inconvenient, we admit that.

MR. SANFORD. Don't you admit that it is desirable to have those tracks removed, if a practical plan can be devised for doing it?

MR. RICE. No sir, not in the city of Worcester.

MR. SANFORD. You think they are good things?

MR. RICE. I think they have built up the city of Worcester.

MR. SANFORD. I supposed it was generally admitted, that railroad tracks in public streets were not, of themselves a convenience.

MR. RICE. I admit that they are not, of themselves, except for what they bring.

MR. SANFORD. Then if you admit that general proposition, why is it not upon you to show that the public convenience requires that they shall remain?

MR. BIRD. Or, in other words, that the plan presented is not a feasible or desirable one?

MR. RICE. Because our road has been chartered, and allowed to have a track there, and the burden is upon the petitioners, to show that the public convenience requires that it should be removed. They ask for a change, and the burden is upon them to prove that it is required.

MR. BIRD. Mr. Nelson claims that he has done that, I suppose.

MR. NELSON. Yes, we claim we have done it. I would simply say, that we rest here; but if the committee should hereafter think it was important for us to put in other testimony on this point, we are ready to do so. We leave it entirely

to the discretion of the committee, whether they desire to hear any further testimony upon this point.

MR. RICE. I desire to submit one suggestion, in reply to the remark made by the chairman of the committee. This vote of the City Government is not in favor of the removal of the depot; it is not in favor of a union depot. If you look at it you will see that it is simply whether the Mayor and Aldermen shall be authorized to adopt any plan that is expedient for the removal of the tracks from the Common and from these streets, that is all. And this is what the vote was upon; whether they should be authorized to go forward and seek some expedient mode of removal; but it did not involve, and care was taken that it should not involve, the removal of the Foster street depot.

MR. NELSON. I would like to inquire if the gentleman is willing that we should have a Bill that these tracks be abolished on the Common?

MR. RICE. I am willing to have a Bill providing for better depot accommodations in the City of Worcester; also, that it shall be left to the Railroad Commissioners to say what streets shall be bridged, where, and upon what terms.

MR. NELSON. I desire to say, in reply, that the primary object for which the Bill was drawn, was to get rid of these tracks on the Common. Now, we thought, if we asked these railroad corporations to give up these tracks to accommodate the people of Worcester, we were bound to furnish them powers by which they could still continue to do their own business with convenience to themselves and to the public. In that view I have framed this Bill, giving them authority to build their Union Station at Washington Square, which seems to me to be the only practicable plan; because it would be absurd to cut off the Norwich and Worcester R. R., from access to the Foster street station, and not give them any other means of doing their passenger business in the City of Worcester: one is a part of the other. It was perfectly understood by the citizens of Worcester that they were to make this compensation. It was understood by the late Mayor, and by every voter who voted upon this proposition, that if these tracks were removed from the Common it must necessarily involve other arrangements for the passenger business of these roads. If Mr. Rice supposes that the people of Worcester were such fools as to think the railroads were going to give up these tracks without any provision being made for their business, he has a very poor opinion of his fellow-citizens.

MR. RICE. Many of them were fools enough to vote without thinking anything about it.

MR. NELSON. Those who voted in the negative are those who understood that this depot was to go to Washington Square. It represents the opposition to Washington Square.

MR. ALDRICH. Speaking in behalf of the Worcester and Nashua R. R., and also in behalf of the remonstrants from the City of Worcester, who represent a capital of six millions dollars, and pay taxes to the amount of nearly a hundred thousand dollars, I think that this petition, signed by three thousand people, asking for the accomplishment of something is not to be brought here and treated as evidence that the citizens of Worcester are in favor of the specific plan which has been submitted here by these petitioners. The plan of Mr. Blake, which is displayed here before you, is one which has been talked

about in the City of Worcester a good deal. They say now that that is not the plan which they desire. It was the only plan of which the citizens had any knowledge.

I want to say to the Committee, inasmuch as the question has been asked, that I do not admit that there is evidence here to show that the evils exist of which they complain, or that the people desire this change which is proposed. One gentleman of the Committee has asked if we do not all know that a railroad crossing highways in a populous city is an evil? Of course we do, and there is not a greater evil to-day in the City of Worcester than the horse railroad which runs the whole length of Main street, nor one that is more fruitful of accidents, yet it is there. But we say that all this railroad business, both freight and passenger, must cross a series of roads, one coming from the north, another from the south, another from the east, another from the west, and it is utterly impossible that they should get to their destination without crossing.

Now, if you take away from Madison street, or Front street, a portion of this travel, and throw it over on to Green street, or Plymouth street, you take away from one part of our city the evil which is complained of, and increase it two-fold, three-fold in another. What advantage do the citizens of Worcester gain from taking part of the travel away from Front street, and putting it on Plymouth street, or Green street, or Washington street, as would be done according to this plan?

MR. NELSON. Our answer is, you transfer it to streets which can be bridged, which cannot be done now.

MR. ALDRICH. All I desire to say is, that we do not admit that the evidence which is offered here has any such bearing as is claimed for it. Anybody who knows anything about petitions knows that nothing is easier than to get a petition of this character signed by persons who do not think about it, do not inquire about it, and then come and offer it as evidence in favor of this plan.

MR. SANFORD. What better evidence can we have?

MR. ALDRICH. The evidence of persons who will come here and tell their story.

MR. SANFORD. That is, you would bring these three, four or five thousand people here to testify?

MR. ALDRICH. No, I don't suppose it is necessary to bring every one of the three thousand, but let them bring a dozen men here, who are well acquainted with public sentiment, who have investigated this plan, and who are willing upon their oaths to say that they know that the men who signed this petition understood this plan when they signed it.

MR. BIRD. I don't suppose it is claimed that the signers of the petition, understood it as having reference to any specific plan. If the petitioners, or anybody else want the committee to pass upon the simple question, "Are those tracks across the Common a nuisance, which ought to be abated?" that is a simple question which I think may be decided very soon. Connected with that question is this: What is to come then? To what accommodations are the public entitled if that is done, and what is the best plan for giving them those accommodations?" That is the question before us.

MR. ALDRICH. I desire to put in a sort of caveat here. If the petitioners are ready to leave their case where it is, we are ready to go on and answer it.

MR. BIRD. I understand Mr. Nelson to say that he is ready to leave it where it is; but if evidence is introduced to show that the vote of the city does not represent the feeling of city, Mr. Nelson claims the right to rebut that.

MR. NELSON. Precisely.

MR. RICE. We expect to introduce witnesses who will show that it is not the desire of the people of Worcester to have these tracks removed. The question seems to be as to the order of evidence.

MR. BIRD. Mr. Nelson says he has closed his case now.

MR. RICE. If he has content to rest it here, we will proceed.

MR. NELSON. I will rest it, upon the suggestion of the committee that we have shown the views of the citizens of Worcester.

MR. ADAMS. In other words, to put it in legal form, he has made out a *prima facie* case.

MR. RICE. If they rest here, we shall call a few, well-known citizens, who will state their views of the public convenience and the public interest.

MR. ADAMS. Then they will ask to introduce their rebuttal.

MR. RICE. We claim that it is his business to put in that evidence first. He comes in and asks the Legislature to disturb tracks which have existed ever since the railroad was built. We claim that he ought to make out his entire case, and that he has no right to rebut us, when we come and rebut him.

MR. BIRD, to Mr. Nelson. We understand you to rest here?

MR. NELSON. Yes, sir.

Adjourned to Wednesday, March 29, at 10 A. M.

THIRD DAY.

FRIDAY, March 31.

The Committee met at ten o'clock, and the hearing on the petition for the removal of the tracks from the Common and adjacent streets of the city of Worcester, was resumed.

MR. NELSON. I desire to put in a report of Mr. Ball. and some amendments to the bill, and also some documentary evidences most of which have been developed since the last hearing.

Mr. Ball, under the direction of the committee, has prepared a report, which is in print, showing the expense of making the changes which are contemplated by this bill, and I desire to put into the case this printed report :

T. L. NELSON, Esq., City Solicitor;

Dear Sir :—At your request, the following estimate is made of the expense which will be incurred in changing the present Passenger and Freight accommodations of the Norwich and Worcester railroad, in the city of Worcester, so as to conform to the requirements of an Act, now under consideration by the Legislative Committee on Railroads, entitled, "An Act to provide more convenient Railroad Depot and Station accommodations in the city of Worcester, and for the removal of Railroad tracks from the public streets and thoroughfares in said city," to wit :

To accomplish the purposes of the Act will compel the Norwich railroad to provide new freight accommodations south of Madison street, and also to construct a track for its passenger and exchange freight to pass from the Junction to the new passenger station on Grafton street, and to the new exchange freight tracks below the Union passenger station, and acquire land for that purpose.

The estimated cost of these changes will be about as follows :

First. For new freight depot accommodations south of Madison street.

151,600 feet of land to be purchased, including 12 houses, at \$1.10,	\$166,760 00
Grading land, 40,000 cubic yards, at 50 cents,	20,000 00

Total,	\$186,760 00
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To construct new track from the Junction to Union Passenger Station, &c.

7,700 feet of track for main line, and 14,000 feet for side exchange tracks,	\$38,000 00
Filling and grading land,	7,000 00

Total,	\$45,000 00
198,000 feet of land for side tracks, at 35 cents,	69,300 00

Total,	\$114,300 00
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The changes contemplated by the bill release land from railroad purposes as follows:

94,300 feet of land of the Norwich railroad, valued at \$1.50 per foot,	\$141,450 00
38,770 feet of land of the Worcester and Nashua Railroad Company, at \$2.00,	77,540 00
151,080 feet of land of the Boston and Albany Railroad Company,	226,610 00
Total value of land released,	\$445,610 00

SUMMARY.

Total expenditure not including value of any land for track from the Junction to Washington Square, which is now owned by the Boston and Albany, and Providence and Worcester railroad,	\$301,060 00
Land released by the Norwich and Worcester Railroad Company,	\$141,450 00
Released by other Roads,	304,160 00
Total value of land released,	\$445,610 00
Balance in favor of Railroads,	\$144,550.

PHINEHAS BALL, *City Engineer.*

WORCESTER, March 28, 1871.

I desire also, to state that the city authorities, desiring to perfect this bill as much as possible, addressed through their counsel a letter to the gentlemen on the other side, on the 25th of March, requesting them to join with us in perfecting this bill, and stating that we should be very happy to have them make any suggestions, but we have not heard from them. We have, however, prepared a few amendments, which seemed to be required, on looking into the matter more carefully. These have been printed, and I will lay them before the committee.

I also desire to put into this case a vote of the Mayor and Aldermen of the city of Worcester passed since the last hearing:

Resolved—That the Honorable Common Council be requested to appoint a committee from that Board, to act with the committee on railroads, on the part of the Mayor and Aldermen, in the hearing before the legislative committee on railways in relation to the removal of the railroad tracks from the Common and adjacent streets, and the depot accommodations in this city.

A committee was appointed in pursuance of this request by the Mayor and Aldermen, consisting of Councilmen Hatch, J. H. Walker, Hewitt and Ross, and the President of the Council, Mr. Reed.

I also desire to put into this case a memorandum from the city Records, giving the result of the vote on this question by wards, showing that in each ward there was a large majority in favor of the proposition, varying from three to one, to six and eight to one.

I also desire to put in House Documents Nos. 384 and 218 of the year 1869, and the opinion of the Supreme Court in the case of *Commonwealth vs. Eastern Railroad Company*.

OPENING ARGUMENT OF W. W. RICE, ESQ., FOR THE REMONSTRANTS.

Mr. Chairman and Gentlemen of the Committee :

It seems important for us, at the outset, to examine this matter, and determine what are the points at issue before the committee, for there is very much in it in regard to which there is no difference of opinion, if we can only bring ourselves face to face and discuss it as we should, as citizens of Worcester, and desiring its welfare.

The petitioners here, as I understand, are the City of Worcester and the Boston and Albany railroad. They appear here in support of a petition from the city government of Worcester, and of an order introduced into the House in regard to the the Act of 1869, which is supported by Mr. Hale, the counsel for the Boston and Albany railroad. These two parties represent two distinct branches of the case which is before the committee. The Boston and Albany railroad are here, seeking the removal of the Foster street depot, and the building of a union depot on their grounds, at Washington Square. The city government of Worcester is here for the purpose, and has no right to be here for any other purpose, of presenting to the committee the reasons for removing the tracks from the Common and the adjacent streets. The plan, as presented by the bill drafted by the city solicitor of Worcester, and supported here by the Mayor goes further than the vote of the city, as we shall show, and embraces both these objects ; and by that bill we claim that what they are now seeking to accomplish is to remove the Foster street depot, to remove the tracks from Exchange street, (where the Nashua road diverges for its freight purposes to Washington Square), to Madison street, to build a union depot at Washington Square, and to discontinue the stopping of the express trains at the Junction depot. All these things are embraced in the bill drafted and submitted by the City Solicitor of Worcester ; the removal of the tracks from Exchange street to Madison street, from Foster street to Washington Square ; the removal of the Foster street station ; the discontinuance of the stopping of the Boston and Albany express trains at the Junction depot ; and the construction of a union depot at Washington Square. That is the plan which is submitted by the City Solicitor of Worcester, to this committee.

In the first place, gentlemen, I desire to state what we shall expect to show in regard to the first branch of this case, to wit, the removal of the Foster street station. We shall show that that depot was built in the year 1835, for the roads that were chartered and constructed with a view to the interests of Worcester ; that those roads concurred in selecting that as the most suitable location for the depot ; that the Washington Square depot was located against the remonstrances of the people of Worcester, as a way station ; that it never was regarded as of any consequence to the city of Worcester ; and that the Western railroad and that depot have never conducted to the benefit, specially, of the city of Worcester. The other roads selected the Foster street location, built their depot there, joined in it there, and have kept it there, and never until the time of the consolidation of the Boston and Worcester and Western railroads into the Boston and Albany railroad, was a voice, a potential and influential voice, raised in the city of Worcester, objecting to this location. We shall introduce the opinion of the railroad officials who located that depot, to show what determined them in se-

lecting that as the most suitable location. We shall show that at the deliberations of the representatives of the different roads, up to 1864, it was always agreed, and there was never a dissenting voice, that that was the place for the central depot of these roads in Worcester. In 1864 the representatives of the Boston and Worcester, the Worcester and Nashua and the Norwich and Worcester roads held a meeting, and we shall put in the result of that meeting, at which they agreed to construct a central depot at Foster street, showing that up to that time not a voice had been heard in opposition to that location. We shall put in the contract which the Boston and Worcester railroad entered into in 1847 or '48, under seal, both with the Norwich and Worcester and the Worcester and Nashua roads, by which that corporation agreed to maintain that depot at Foster street, where it now is, and to keep it up to the demands of the times. That obligation is upon them to-day, and it is that contract which they are seeking to avoid, among other things, in this hearing.

In 1865, or thereabout, began the discussion in regard to the consolidation of this eastern and western route from Boston through Worcester to Albany. That scheme was opposed almost universally in the city of Worcester. It was said, "Let that consolidation be effected, and you will be dragged down to this wood-and-water station at Washington Square, and be obliged to abandon the Foster street station in the city of Worcester." But it was said in reply, and we shall show it, "No Legislature will ever allow the removal of that depot;" and we shall put in the Act of Consolidation, in which it is provided, as strongly as language can do it, among other conditions of the consolidation, that the Boston and Albany road shall continue to maintain these depot accommodations in Worcester, which they are now seeking to destroy.

The burden is upon our opponents to show any reason for the removal of this depot. A depot which, I may say, is the heart whence have gone forth the pulsations of the life and prosperity of the city of Worcester for thirty-five years, is not to be torn out; the business interests which have grown up around it are not to be imperilled or sacrificed, except the petitioners for such a change show a great and overwhelming public necessity for it. We say they have not shown any such necessity; and we propose to show, (for we propose to meet them at every point whether they have introduced testimony in support of it or not)—we propose, I say, to show that the continuance of that depot where it is, is essential to the prosperity of the city of Worcester. My brother Torrey, representing the remonstrants, who have come up here from almost every town in the county, without a single answering voice, will speak for the towns of the county; my brother Aldrich will speak for the Worcester and Nashua railroad; I speak for the remonstrants of the city of Worcester, and for the Norwich and Worcester railroad, and I repeat that we shall show, that the continuance of that depot where it is, is essential to the prosperity of the city of Worcester. Nothing has been shown to the contrary: not a witness has been called; not a tittle of documentary testimony, even, in which our friends are so prolific, has been introduced to the contrary; but we shall introduce on our side, first the statement of the City Solicitor of Worcester, made here in his opening, that "the Foster street depot is of immense advantage to the majority of the citizens of Worcester." Those were his words. That is his admission. We shall introduce next the opinion of the City Government of Worcester, as expressed by the City So-

licitor, when he said that "the City Government of Worcester were unwilling to accede to the proposition of the railroads to abandon the passage of passenger cars alone across the Common, because if the citizens gave up the Foster street depot, they were giving up something of great advantage to them, and they must have enough to compensate it on the other side, and therefore they demanded that the railroads should give up the tracks across the Common entirely."

Here, then, we have the admission of the City Solicitor; we have the admission of the City Government; we have the fact that until the consolidation of the Boston and Worcester and the Western Railroads there was never a voice raised for this change in the City of Worcester; and we have, by their own showing, the significant fact that 54 per cent. of all the people who buy tickets in Worcester, buy them at the Foster street station. Of the remainder a large portion, 54,000, buy them at the Providence depot; they are not accommodated either at the Foster street station, or at the Square; and, therefore, are not to be reckoned in this estimate. More than half of those who buy their tickets at Washington Square, buy them for the west; they cannot get them anywhere else; therefore, they are not to be reckoned in this estimate. This leaves less than 28,000 tickets for the east sold at Washington Square, and of these a large proportion are purchased there because the express trains stop only there, and therefore they can be purchased nowhere else. And in this way we shall show you, gentlemen, by figures, which in this case do not lie, that an immense majority of the people of Worcester, nineteen twentieths, the remonstrants say, but, beyond all controversy, a very large majority, more than 75 per cent., whenever they can, of choice select the Foster street station as the place at which to buy their tickets.

We shall also show that the various business establishments of the city have been located with a view to this Foster street depot, that the streets have been arranged with a view to it; and we shall show, by the host of witnesses who are behind me, and by as many more as you will allow us to introduce, that in the judgment of the business men of the city, and of the traveling public, the continuance of this depot is imperatively demanded.

So much for that branch of the case. We are surprised that our City Solicitor should incorporate into his bill, and that our Mayor should support any thing looking towards the removal of this station for which there has never been any expression of a wish on the part of the people of Worcester.

I come now to the other branch of the case, and that is the removal of the tracks from the Common and the adjoining streets. Well, gentlemen, there I agree with my brother Nelson, that wherever railroads cross a street or highway, it is an inconvenience. All the villages through which we passed on our way to Boston this morning must be incommoded by the passage of the railroad through their midst. The cities of Salem and Springfield, all the cities of New England, are incommoded by the fact that these railroads which have built them up must run through their business centres, and be crossed by those who travel from one section of the city to another. It is essential, necessary, in the very condition of things, that it should be so.

When I said the other day that a machine shop was always an inconvenience, (and I refer to it now only because my remark has been misapprehended), I simply meant that any one would prefer to have a house away

from a great machine shop rather than by its side, where it is shaken by the jar of the machinery, where the atmosphere is contaminated by the smoke, and the whole neighborhood disturbed by the noise. But a machine shop is not a nuisance. Things of this kind create our cities. We cannot have this great business prosperity without paying for it. We cannot, to use the old adage, have our omelet without breaking some eggs. It is so in reference to the passage of these railroads across the streets and Common in the city of Worcester. It is an inconvenience. But all along their route stand the machine shop, the lumber yard, the store house, and the hum of thrifty industry mingles with the noise of their locomotives.

We shall show you, gentlemen, that of the twenty-one streets which are crossed by railroads, from Lincoln Square to the Junction, they only save five by the plan which they have introduced. We shall show you that of the four switching grounds,—that is of the Nashua road at Lincoln Square, of the Boston and Albany at Grafton street, of the Providence at Green street, and of the Norwich at Park and Front streets,—of the four switching grounds, the proposed plan only relieves the city of one, and that, the one where there is the least inconvenience. The figures which they have introduced show that there is more crossing of locomotives and more making up of trains at the other switching grounds than here, and it is only this which they seek to relieve. Five streets out of twenty-one, one of the switching grounds out of four, and that the least inconvenient, they will relieve by the adoption of the plan.

They introduce, in support of this plan, a petition, a vote and a coroner's inquest. I desire to call the attention of the committee to that petition. It is to the effect that the petitioners request the Mayor and Aldermen to insert into the warrant for the meeting an article providing that the people may vote upon the question of the removal of the tracks from the Common. No petitioner who signed that expressed an opinion; not one. Those who signed it simply expressed their willingness that the citizens of Worcester should have an opportunity of voting upon the subject, and when I signed it, as I did, I extended that courtesy to my friends on the other side. I was willing that they should vote, and when I went to the polls, I was at perfect liberty to vote, as I did, in the negative and against them. No one who signed that petition expressed any opinion whatsoever. Therefore that petition is no evidence in this case.

In regard to the vote, we shall show that it was carefully framed, and gotten up in the interest of the Boston and Albany railroad, and so conceived that the people of Worcester might be entrapped into an expression that they did not mean to give. We shall ask you to look at the form of that vote: "Shall the Board of Mayor and Aldermen take such measures as may be deemed expedient for the removal of the railroad tracks across the Common, Madison street, Mechanic street, and those intermediate—and if they are unable to effect an amicable arrangement with the railroad companies, shall they be instructed to petition the next Legislature for permission to accomplish that *desirable* object?" In the votes prepared with "No," the phrase "to accomplish that *desirable* object" is retained, and every man who voted "No," was obliged to vote that nothing should be done "to accomplish that *desirable* object."

There is nothing in that vote, gentlemen, that indicates the feeling of the people in regard to the removal of the Foster street depot; and we shall show you by as many of those who signed this petition as you will allow us to call, that they are not now, and never were, in favor of any such wholesale, sweeping, destructive scheme as this which is now introduced by the representatives of the city. They never thought of such a thing: they are opposed to it, *in toto*. It is true, as has been said, and as the figures which have been introduced show, that a majority voted "yes." We shall show you why they did so. Of course, everybody, at first thought, says with regard to these railroad tracks, "yes, off with them!" They do not think of the difficulties; they do not think of the inconveniences, which we shall show you, or of the impracticability of the thing. "Oh, yes," they say, "let's get them off!" In the first place, there is a very common feeling against corporations. In the second place, we shall show you that this feeling has been encouraged and increased in Worcester by the execrable character of the depot which the Boston and Albany railroad has imposed upon the citizens of Worcester during the last few years. Anything to get rid of those sources of pestilence which they have kept there in the heart of the city for years! That feeling contributed much to swell this vote. But when people came to consider what is involved in this proposed change, we think we shall show you that the majority even of those who voted in the affirmative have reconsidered that vote, and stand here to-day desiring to pause in this matter.

With regard to these tracks across the Common, we shall show you,—and we shall ask you to consider the point carefully,—how they came there. We shall show you that in 1836, the town of Worcester voted to raise a committee authorized to enter into a contract with the Norwich and Worcester road to locate these tracks just where they are located to day; and we shall introduce the deed, under seal, releasing to them forever all claim for damages on account of that location, upon certain conditions, which have always been faithfully observed by the road; and we claim, gentlemen, that this contract binds the petitioners. We claim that there is no power to set that contract aside. I do not know as I should say that the Legislature cannot do it, if they see fit, because the power of Legislatures is great; but I say this: that when that road was chartered, in one section of its charter, to which I shall call your attention, it is provided that it shall connect with the Boston and Worcester railroad in Worcester; that it made its location connecting where it does; and built its road there and that by vote of the town of Worcester, it was forever released from all claim for damages on account of that location. We shall show that the Common was there then as it is now; that the church was there then as it is now; that the City Hall was there then, not just as it is now, because it has been altered a little, but substantially as it is now. All these things were there when this authority was given, as they are now. We say that when the Norwich and Worcester railroad established its location across the Common, it acquired a right, of which right it cannot be divested unless some great public exigency shall arise to demand it, which did not exist, and was not in the contemplation of the Legislature at the time when they gave that right, or of the people of Worcester, when they entered into that solemn contract. We say that there is no moral right to take that loca-

tion from that road, under the circumstances, because all these conditions which are spoken of to-day were then in existence or immediate prospect, and must have been in the minds of the contracting parties, and therefore the right cannot be annulled.

But, as I said before, I am very careful what I say about the legal power of the Legislature. I say that there is no *moral* authority or right to do this thing; but I go further, and I join issue with my brothers on the other side, and say, that if there be the legal power to do this thing, there is no legal power to do it without compensation. I know the cases upon which they rely. I do not mean to discuss them here; but there is not one of them that is parallel to this case; as we shall show you if they insist upon them, in the close, and where it will be proper for us to do so. There is not one of them, I say, that is parallel to this?

Here is this road, with its location from Madison street to Foster street. It has the right of way over that location; it has acquired it; it has paid for it; it has a right to run cars over it; it is just as much a part of its property and its franchise as any portion of its route from Norwich to Worcester. If you can take away that part of its location, between these two termini, you can take it away from Norwich to Worcester, on the same principle. There is no case to be found where the property of a corporation has been so taken away without compensation. There is no precedent; it never was heard of before; and we say that it is unconstitutional, and cannot be done. If you take away this location from Madison street to Foster street—this right of connection granted in the charter—this right of way, perfected by the filing of the location and building of the road—if you take away this, you take away a portion of the property of the road, for which you must pay in proportion, as you would have to pay for the whole, if, by reason of any great public necessity, you annulled the charter, and took the whole. Who must pay for it? You cannot make the Boston and Albany R. R. pay for it; you cannot make the Worcester and Nashua Road pay for it. The city of Worcester, which has grown up around this road, and which now comes and demands, for its own convenience, that this portion of the property of the Norwich and Worcester R. R. shall be taken away,—must pay the damages. There is no law to the contrary. It cannot be found; and any Act following the Bill which my brother has drawn and presented to this committee, is in that respect, as it seems to me, unconstitutional and void. I suggest to him that he turn away from his church yard cases in New York, to the better law of his own New England, and especially that he ponder well the opinion of Chief Justice Shaw, whom I know he used to revere, in the case of *the Boston and Lowell R. R. Co., vs. the Salem R. R. Co.*, 2 Gray, where he says, among other pertinent dicta, that “in all just governments, provision is made for an adequate compensation which recognizes the owner’s rights.”

MR. NELSON. In that case there was an express limitation of thirty years.

MR. RICE. I commend to him the further fact, that fortunately there has been but little call for decisions in such a direction, because scarcely any government founded upon law has ever been found which ventured upon such an usurpation.

But we shall go beyond our chartered and constitutional rights in regard to these tracks upon the Common. We shall show that the little inconvenience

which the public suffer from them is vastly outweighed by the immense expense and inconvenience which would be attendant upon the removal, always denying that the removal can be made except upon compensation, and that from the city of Worcester. And here comes in the corner's inquest: One man was killed upon the Common: we are sorry for it; but did my brother call attention to the fact that fourteen men have been killed in the city of Worcester during the last ten years upon railroads? That nine of those fourteen have been killed upon the Boston and Albany route, three upon the Norwich, two upon the Providence, and none upon the Nashua? And not one of them at a crossing, except one at Green street. Now, because the Boston and Albany Railroad have killed nine out of the fourteen persons who have been killed upon railroads in Worcester during the last ten years, is it proposed that they shall be deprived of the right to pass through the city? It is unfortunate, of course, that any man should be killed, but there have been fewer accidents and less inconvenience upon our route than upon the east and west route through the city.

We shall then show you,—and I shall not detain you upon this point, because our witnesses will go into the matter at length,—we shall show you that it is utterly impossible and impracticable to adopt the plan, or anything like the plan,—proposed by my engineering friend, the City Solicitor. That will be explained to you upon railroad principles. It is only necessary for me to say that there are two lines through the city of Worcester, one east and west, the other north and south. It is, of course, impossible to divert one of those lines upon the other in a parallel line without disadvantage to the one diverted. It is a mile and 30-100 further to go round the triangle, as they would have us, rather than through on the straight line as we go now. We shall show you, gentlemen, that the difficulties of switching, and of connecting, according to their plan, are such that they would render the doing of the business of this north and south route through the city of Worcester impracticable, impossible. We shall show you by the testimony of Mr. Smith, the President of our road, a gentleman who has had a large railroad experience, having for thirteen years had charge of the Hudson River R. R., and for a long time of other roads, and by the testimony of other railroad experts, the effect of this plan.

They can explain it better than I can, but the general ground is this: over this route passes the travel and the business from Canada, from Maine, from New Hampshire, to the Sound. Now, the arrangements for transit across the Sound are such, and necessarily such, that these roads are obliged to use all the expedition and all the facilities in their power in order to make these connections and do their business, and these gentlemen will testify to you, that the loss of time and inconvenience to which they would be subjected in switching their trains across these grounds at Washington Square, and the delay in going round this mile and a third, would be such as to break their connection, and render it impossible to do their business to any advantage. We shall show you that it would be impracticable and impossible. We shall show you that the change would be attended with great expense to the Norwich and Worcester road—according to my brother's revised estimates of at least a quarter million of dollars, an expense altogether beyond any comparison with

the inconvenience from which the public would be relieved by the discontinuance of these crossings, and this expense must be borne by the city of Worcester. We shall show you that this north and south line has built up the business of the city of Worcester. The Boston and Albany R. R. never did anything for Worcester. There is no great establishments built upon that line. It is the north and south line that has made the prosperity of the city. It is upon this line that the machine shops have been erected, that the coal yards lie, that the granite, and the lumber, and other material that conduces to the prosperity of Worcester is unladen. The men who have built up this business will tell you that it will be injured, if not ruined, by the removal of these tracks so inconsiderately proposed.

Now, gentlemen, we deny that there is anything here to justify any action in regard to the removal of the depot. We expect to show that the preponderance of sentiment is in favor of the retention of the tracks on the Common under the circumstances; but we go further, and say, that if the tracks must be removed from the Common, there are other and better ways to accomplish the end than that which is submitted by the City Solicitor and the city officials; which, although involving considerable expense, will save these railroad companies from the enormous expense and great inconvenience to which I have referred. And I will say, that we desire to co-operate with our friends on the other side in securing what is sought. We desire to have an "Act to provide more convenient railroad depot and station accommodations in the city of Worcester, and for the removal of railroad tracks from the public streets and thoroughfares of said city." My Brother Nelson's bill seems to be miscalled. Its title is incorrect. It should be entitled, "An Act to enable the Boston and Albany railroad to avoid its contracts and to take away the depot and station accommodations in the city of Worcester." But we are willing to concur with our friends in a bill. We will take their first section for the first section of our bill, *mutatis mutandis*, substituting Foster street instead of Washington Square, as the location of the new depot. We shall then be willing to have section 11 amended, that "nothing in this act shall be construed to authorize or require the discontinuance of said Junction depot, or the passenger station of the Worcester and Nashua railroad at Lincoln Square, or the passenger station of the Boston and Albany railroad at Washington Square." And then we are willing to adopt another section from my brother Nelson's last amendment, the last but one: "That it shall not be lawful for any railroad corporation after the expiration of two years, to use any portion of its tracks included within the limits of Madison, Grafton or Green streets,"—(we say, *within the limits of any of the streets of the city*),—"or of the Common, for the purpose of making up arranging or distributing its trains or cars." And we are willing to add a penalty to that, such a penalty as shall be effectual to suppress this nuisance and inconvenience in the city of Worcester. That is our proposition: that a Union depot be erected where seventy-five hundredths of the people of Worcester want it, at the Foster street station.

MR. NELSON. How about the tracks on the Common?

MR. RICE. That all the railroads be forbidden from using the streets or the Common for switching, making up, or distributing their trains; and that there the matter be left for the present. We believe that when the new depot

is constructed, the people will be satisfied, if they can be relieved from this nuisance of the making up of trains upon the public streets, which we are willing together with the other roads to be forbidden from doing. Let this be done and you have at most, perhaps twenty-five trains a day crossing the Common in transit. They occupy perhaps a minute in passing any given point. That is the maximum in number; it is the maximum in time. Twenty-five trains a day—a minute at a time. You have passed, at this session, an Act to protect the public from danger at crossings. Let us in addition have all the roads in Worcester forbidden from making up their trains upon any street or upon the Common, under a penalty. You have then but twenty-five trains a day, at most, passing the Common and that in transit, and we say there will be no inconvenience to be complained of by the citizens of Worcester. But if after the construction of the new depot, and after the enforcement of this prohibition, there is any inconvenience complained of, let some future Legislature, if the railroads cannot do it by agreement, adopt one of the better plans than that suggested by our friends on the other side, and bring the roads, by a route which shall avoid the Common and these adjoining streets, into the new depot, thereby enabling them to complete their connections, and to extend the conveniences to the city of Worcester which those who built the railroads intended; which the Boston and Albany railroad have guaranteed; which it is provided in the Act of consolidation they shall continue to afford; and if our excellent Mayor and his friends, Mr. Henry and Mr. Pond, who own land around Washington Square, can induce the Boston and Albany railroad to build a new depot there, we have no objection to their doing it. But we desire to have the central depot kept where it will accommodate the public and where the people want it.

STATEMENT OF HON. P. E. ALDRICH.

The Worcester and Nashua railroad have certain rights under a contract, as well as under their charter, to their present depot accommodations in Worcester, which I think ought to be made known to the committee, before they pass upon the question of the removal of Foster street depot. As has been said by Mr. Rice, there are two questions before the committee, and only one of those questions has claimed the attention of the citizens of Worcester, as far the expression of any opinion here is concerned, to wit, the removal of the tracks from the Common and adjoining streets.

What is sought to be done here, in a general way, is to break up a connection which has subsisted for twenty or thirty years, and around which the city of Worcester has grown from a village to a city of more than 40,000 inhabitants. The population and business of the city have adapted themselves to this condition of the railroad tracks and railroad depots. Now, the general object sought to be obtained by the movers in this matter is centralization, that is, to concentrate the depot accommodations and the railroad tracks at one point, instead of having them at many. It seems to me that the policy which should prevail, is that of dispensation, and not centralization. You visited the other day, the city of Worcester, and saw the locations which have been referred to here. Standing at the Junction, and looking up the line of the Boston and Albany road, in a northwesterly direction, and along the line

of the Norwich and Worcester road, in a northerly direction, you will observe that those tracks lie through the business part of the city; and a glance at the topography shows you that the population of Worcester seeks the hills on the right and on the left, and that the valley through which these railroads run is given up to the great manufacturing interests of Worcester. It is the life of Worcester. Take out of Worcester that valley and what is in it, those great machine shops, those great manufacturing establishments and you destroy the city. Now, standing at that junction what do you see? You see that along the whole line of the Norwich and Worcester and the Worcester and Nashua railroads, from that junction to Lincoln Square are located our great manufacturing establishments, which were built there because the railroad tracks had already been placed there. So it is along the line of the Boston and Albany road, from Foster street station to Washington Square. Some of the most important manufacturing establishments in the city of Worcester, are on the line of that road, which, if that track is removed, will be left without necessary railroad accommodations.

Now, I wish to call your attention to another thing, and I shall be exceedingly brief. These three railroads, the Boston and Albany, the Norwich and Worcester, and the Worcester and Nashua, form a triangle in this low land, to which I have adverted, and within that triangle, and on the sides of that triangle, lies the very heart of the city of Worcester, as far as its material prosperity and welfare are concerned. Its population does not lie within that triangle, and never will. My brother Nelson, whose humanity everybody admires, said that these railroad tracks ought to be removed on the ground of humanity, because they endangered the lives of the citizens who have to cross them. You will observe that a very inconsiderable portion of the population of Worcester, lies within that triangle; so that fix these roads as you will, put them wherever you please, the population out side of that triangle must necessarily cross these roads, running north, south, east and west, in order to get to the central parts of the city of Worcester. Therefore, change these tracks as you may, you accomplish little or nothing. To be sure, the small portion of the population lying within the triangle, would not have to cross so many roads; but every man who has watched the growth of the city for the last ten or twenty years, knows that the population has left that low ground, and is leaving it every day, and seeking more eligible positions on the hill-side, giving up this valley to the business of the city.

Now it seems to me, that the principle which I announce is one that cannot be controverted. I say that the principle which ought to prevail with these railroad corporations, and with this Legislature, as far as this case is concerned, is distribution. Give us as many depots, give us as much length of railroad in the city as you can, so as to accommodate as many of these different shops as possible. If you concentrate the depots at Washington Square, you concentrate all the tracks there. Men who own large shops on the lines of these roads, came to me, after this plan was developed, and said, "This will ruin us."

MR. ADAMS. Are you not making your argument now, rather than an opening? We are perfectly willing to hear you, if you choose to make your argument now.

MR. SANFORD. I think your statement should be confined to what you intend to prove by testimony.

MR. ALDRICH. Before we start to prove our case, it is very desirable to find, if we can, the grounds or principles upon which we are to proceed. I say that here is an attempt to break up a long established system of depots and railroad tracks. I say that around these depots and tracks the city of Worcester has been built up, and that is an important consideration for this committee. If the committee will pardon me, I will read a passage from the report of the Railroad Commissioners for 1870, which, as it seems to me, embodies the principle which ought to govern in this case. I read from page 121, on the petition for the removal of the depot in the town of Millbury.

"This, however, is not a case of original location. It involves other and very grave considerations. The railroad station is necessarily the central point in a town like Millbury. Almost every house, every mill and every work shop, is to a certain extent, dependent upon it; they have acquired more or less of value from, if indeed they have not been purposely constructed with a view to their proximity to the railroad depot. These arrangements for business or residence, are by no means to be disregarded. In the very careful consideration the commissioners gave to this case, therefore, they fully adopted the principle laid down by the counsel for the remonstrants, that, to justify any removal, a very decided preponderance of public convenience and popular desire should be manifested. Established arrangements, on the strength of which investments have been made and industrial enterprises built up, are not to be disturbed for light cause. A slight balance of advantages, or desire, in such cases, is not sufficient; a heavy burden of proof rests upon the innovators."

It seems to me that this is the rule which should prevail here.

Now, something has been said about the centre of population, and whether the people will be as well accommodated at Washington Square as at the Foster street station. We shall introduce evidence to show that taking things as they now are, of all the passengers who come up from Boston to Worcester, when they can stop at Washington Square if they choose to, or come to the Foster street station: more than ninety per cent. come to the Foster street station. They talk about the centre of population. What is happening to show where the population is? There have been five churches built, or in the process of building, in the city of Worcester within the last year, and every one of those five churches is on the west side of Main street, and nearer the Foster street station than the Washington Square station. This is not an unimportant indication, as it seems to me as to where the population of Worcester is tending. We are now about putting up in Worcester a new High School building, to accommodate the entire population, at an expense of a hundred and fifty, or two hundred thousand dollars. Where is it located? I was on the Committee to select a site for that building, and I know that the site was selected with reference to accommodating the people of Worcester. Where is it situated? It is within two minutes walk of the Foster street station. The seven national banks in Worcester, the four savings banks, all the insurance companies, the post-office, and all the large dry goods and other stores in Worcester are upon the Main street, and within five minutes walk of the Foster street station. The court

houses and all the public offices are upon the Main street, and with the exception of the persons who come down from the northern part of the county, who would stop at Lincoln Square, all who have business at the public offices come to the Foster street station when they can.

I want to call attention to another thing. The City Solicitor introduced several coroner's inquests, for the purpose of showing the dangerous character of the present tracks in Worcester. It seems to me most inconsequential evidence, but nevertheless, it was introduced. I appear for the Worcester and Nashua road, and I state a fact which cannot be contradicted when I say that during the entire history of that road, for the last twenty-five or thirty years they have never killed or maimed a human being upon their tracks at the crossing, through any fault of theirs. There has never been a suit brought against the Worcester and Nashua R. R. for any injury done to any person crossing their track on these streets except in a single instance, and then the railroad prevailed. Now, look at the record from Dec. 1st, 1869, to Sept. 30, 1870, there were 141 railroad accidents in this State, and 101 persons were killed. Of that number the Boston and Albany R. R. killed 28, while on the Worcester and Nashua R. R. there were only four killed, and three of these were walking carelessly upon the track; the other man was killed while in the act of coupling their cars. This shows that, so far as the Worcester and Nashua road is concerned, there is nothing in the history of the last twenty years to show that these tracks in the city of Worcester are dangerous to the public.

Then as to the Common—I think there is considerable delusion about that. It is called a Common, but when you were up there, you observed that it is a very small strip of ground. It is not used as a place of resort, and never will be. On one corner of it is the Police Court and the Police Station, and it is the resort of a very different class of people from those who ordinarily resort to the common in a city for amusement or health. In another part of it is a church, and in another part a school house—remote, to be sure, from the railroads. It is not resorted to and never will be, as a Common. It is a thoroughfare, and only that; that is all it will ever be. As has been said by Mr. Rice, around that Common there will be gathered, not population, it will not be the dwelling-place of our citizens, but around that Common are to be built up large establishments, either stores or manufactories. It is to become a thoroughfare or street, not to be used as a Common.

MR. NELSON. If Mr. Aldrich and the committee will indulge me a single moment, I think I can save the committee a great deal of time, before he puts in his testimony. There is a great deal of my brother Rice's and my brother Aldrich's eloquent opening which I shall gladly concede, and if my brother will allow me to make a statement as to the action of a meeting of the committee of the City Government last evening, I think it will save him a great deal of time.

In the first place, this committee instructed me to say, that we want the tracks removed from Worcester Common. Unless that can be done, they do not want anything done. We are willing, if the railroads prefer, that they should connect their through freight by a viaduct across Front street, and we are willing, we should be of all things glad to have the Foster street station continued as a local passenger station. If the committee will give the city of Worcester a union passenger station at Washington Square, provide

for the continuance of the Junction station, and the Lincoln square station, (which everybody concedes is desirable,) as local stations, and will give us this Foster street station in addition, it is all the city wants. We have conceded from the start that this Foster street station is an extremely important one for the city of Worcester. We left it out because we preferred that that suggestion should come from the other side.

MR. STEARNS. Why can you not do that without a legislative act?

MR. NELSON. Because these railroads will not do anything. A bill was passed in 1869 authorizing these roads to unite in establishing a union depot at any point they might select, and Mr. Kinnicutt and Mr. Smith were here making the same objections that they make to-day. Two years have gone by and they have not done anything.

MR. TOWNE. That narrows the question down to this; whether the tracks shall be removed from the Common absolutely, or in part, and the question of compensation for removal.

MR. STEARNS. How do they now have the right to cross the Common?

MR. NELSON. They have got it in some way; nobody knows how.

MR. ALDRICH. We will show you how before we get through.

MR. NELSON. I am not familiar with all the details. Mr. Towne spoke of getting rid of the tracks on the Common: we regard that as indispensable. We should prefer that the committee should give us leave to withdraw rather than report a bill which involved a continuance of those tracks. Suppose we have satisfied the committee that there is a great public exigency for the removal of the tracks from the Common, then, if we can get a union passenger depot at Washington square and retain the Foster street station, it is all we want.

MR. ADAMS. The Worcester and Nashua road, and the Norwich and Worcester road both make it a *sine qua non* that they have an opportunity to go to the central station?

MR. RICE. Yes, sir.

MR. ADAMS. And to do that, you must cross the Common?

MR. RICE. Yes, sir.

MR. ALDRICH. In answer to a question put by one member of the committee, as to whether it is absolutely necessary to cross the Common in order to get to the Foster street station, I will say, that a plan was suggested by Mr. Rice, and I suppose was pointed out to the committee, by which the Foster street station could be reached without crossing the Common. I cannot speak without consultation, but the City Solicitor says that if they can have the tracks removed from the Common, they will be content, and we may have everything else.

MR. NELSON. Not by any means; That is not my statement.

MR. ALDRICH. What do you mean, then?

MR. NELSON. I think the committee understand what I mean.

MR. SANFORD. I wish you would point out on the plan what tracks you ask to have removed.

MR. NELSON. The first thing we claim is, that the track should be removed from the Common, and from Park street to Mechanic street—from three streets and the Common. We should prefer very much to have the tracks

removed from Southbridge street, and have the local freight houses of the Norwich road transferred to a point south of Madison street; but what we want of all things, and what is our *sine qua non*,—with all respect to the committee—is the removal of the tracks from Park street to Mechanic street, including the Common.

MR. SANFORD. Are there any other tracks to be removed?

MR. NELSON. No, sir, not any. Then if the Railroads think that the plan which Mr. Blake prepared with so much care and pains, is an unsuitable plan, and that they cannot do their north and south business by way of Washington Square, we are willing they should cross Front street, by an elevated road, with suitable bridges at the street crossings. Mr. Rice pointed that plan out to the committee, and stated that it could be done at less expense than our plan, though the estimates for our plan show a balance of \$140,000 in favor of the roads. Then we should be of all things glad to have the Foster street station continued as a local station.

MR. SANFORD. Does the Boston and Albany railroad agree to that?

MR. NELSON. I do not know. We will find out about that. Then we are also desirous that there should be a Union passenger station built at Washington Square, as has been talked of in our city for some time.

MR. SANFORD. What do you care, as a city, about a Union passenger station at Washington Square?

MR. NELSON. I think the citizens of Worcester would vote overwhelmingly in favor of such a station.

MR. SANFORD. I don't care how they would vote, but *why* would they vote? What difference does it make to them?

MR. NELSON. In the first place, we are looking out for the travelling public. We desire that the travelling public, passing through the city of Worcester, shall have sufficient accommodations.

MR. PHILLIPS. How are they to get to the Foster street station if the tracks across the Common are removed?

MR. NELSON. They would have to take a circuitous route, or come down to Washington Square. Another reason why we want this Union depot is, that we desire to have a building erected that shall be worthy of the dignity of the city and the character of the roads. That is a general statement of what everybody desires, and some of the railroads are willing to construct such a depot. But the scheme of having a Union passenger depot at Foster street is one which is so novel that it could hardly be expected that it would be adopted. If there is a Union passenger station in the city of Worcester, it must be at Washington Square. I suppose that must be conceded.

MR. RICE. Why is it novel to have it at Foster street, when four times as many persons buy their tickets at that station as at any other?

MR. NELSON. It is novel because it has never been suggested until the plan was brought forward by you.

MR. RICE. You are mistaken as to that. We will show you the records to prove that it is not a new proposition by any means. You may never have heard of it, but there are a great many plans you may never have heard of.

MR. STEARNS. I would like to inquire again whether the Boston and Albany R. R. agree to the continuance of the Foster street station, and whether all parties agree to it?

MR. LINCOLN. We think that that station, as a local station, might be continued; but if we build a large Union station at Washington Square, we should prefer to abandon the Foster street station.

MR. STEARNS. Suppose you were relieved from running any trains up to the Foster street station?

MR. LINCOLN. Then it would be a mere matter of clearing away some property, which would be entirely idle unless we used it.

MR. CHAPIN. The committee will perceive that we could not run to the Foster street station without running through the contemplated Washington Square station or yards, so that it would be very inconvenient to run our trains to the Foster street station.

MR. RICE. I understand, then, that we have only to meet the Boston and Albany R. R. on the question of the Foster street station; the city join us in that?

MR. NELSON. Certainly, we should be glad to have the Foster street station retained.

MR. RICE. So far as appears to the counsel for the remonstrants, although a detachment has marched over from our opponents to our side, on one branch of the case we are still obliged to meet our friends of the Boston and Albany road on that question. We will, then, as I said I should rely on Mr. Nelson's testimony as to the importance of the Foster street station, put in his statement on that subject, and the testimony of the City Government. We claim that there is no testimony whatever against the Foster street station; there has been nothing introduced by the Boston and Albany railroad; there is no case for the petitioners. There has been no testimony introduced against the Foster street station except by the city, and they now concur with us in the desire to retain that station.

MR. SANFORD. We will hear any evidence you will give us.

MR. RICE. In regard to what?

MR. SANFORD. In regard to anything you please.

MR. RICE. Mr. Aldrich desires to put in some documentary evidence, as he wishes to leave.

MR. ALDRICH. I will hand to the committee the indenture between the Boston and Worcester railroad corporation and the Worcester and Nashua railroad corporation, as to the rights of the latter in the depot at the Foster street station and the tracks.

MR. RICE. Here is a record of the votes of the city of Worcester in regard to the Norwich and Worcester and Worcester and Nashua road, granting to both these roads the right to cross the Common. There is also included here a letter of Mr. Nathan Hale, President of the Boston and Worcester railroad, in reference to the depot at Foster street, which is perhaps of no great importance now, but if Mr. Aldrich will put it in, it will be for both of us.

MR. ALDRICH. I offer the report of the committee, appointed by the Worcester and Nashua railroad, on the 14th of June, 1849, to confer with the president of the Norwich and Worcester road, in relation to the passenger and freight stations in Worcester. The report was drawn up by the late Judge Merrick, and sets forth forcibly the reasons that then prevailed for the

selection of that point, as a common depot for all those roads, and which reasons, we say, prevail with equal force to-day.

I offer a tax-list of the remonstrants against the removal of the Foster street station. Perhaps it is unnecessary, after the admission, but I do not know how long that admission will last, and therefore I put this in. And I put it in under the principle announced by the railroad Commissioners, that on a question of the breaking up of ancient railroad accommodations, the interests of the people in the vicinity, who have invested their property under the present arrangement, shall not be disturbed without good reasons. The amount of taxes paid by these remonstrants in the city of Worcester, is nearly \$100,000—\$98,000 and some odd;—and this list does not embrace any tax less than \$100. I will also, for the convenience of the committee, furnish an abstract of the remonstrants. Here are Anthony Chase and 144 others; Joseph Boyden and 160 others; T. W. Wellington and 182 others; N. A. Lombard and 100 others; H. A. Richardson and 62 others; John P. Marble and 75 others. Everybody acquainted with Worcester, will recognize in that list, the names of the prominent business men of the city. Upon this same paper, is an abstract of the remonstrants from the several towns represented by Mr. Torrey. In view of what has been said this morning by the City Solicitor, in regard to the willingness of the city authorities, to join with us in asking this committee to maintain the Foster street station, after they had appeared here, and asked for its removal, I will state the fact that the Boston and Albany railroad was here openly, by its counsel and officers, two years ago, asking for the removal of that depot; and after a full hearing of the petitioners, setting forth their reasons, the Legislature declined to sanction the removal.

MR. ADAMS. How did you obtain your right to run your track across the Common.

MR. ALDRICH. We obtained that under our charter.

MR. ADAMS. You have it as a chartered right?

MR. ALDRICH. The city of Worcester by vote granted the right. By the Act of the Legislature, the Worcester and Nashua railroad crossed the Common.

MR. ADAMS. You obtained the chartered right in the first place?

MR. ALDRICH. Yes, sir.

MR. ADAMS. Was that a right to put your track upon the location of the Norwich and Worcester road, or did you have a location of your own?

MR. ALDRICH. The Worcester and Nashua track is within the location of the Norwich and Worcester road.

MR. ADAMS. Did you ever have, by Act of the Legislature, a location of your own, or were you merely permitted to take up a portion of the location of the Norwich and Worcester road?

MR. ALDRICH. The latter. We had a right to unite with the Norwich road, and the city of Worcester acceded to that location.

MR. FOSTER. Upon the question of the way in which the Worcester and Nashua road gets across the Common,—if I may be pardoned for attempting to make it a little clearer,—I think it will turn out that their original location was not across the Common, but that later, in 1864, or thereabouts, they got leave to connect with the Norwich and Worcester, and Providence and Wor-

cester roads, and they then went across the Common by virtue of a special Act, passed a good many years after their first location.

MR. ALDRICH. I want to call the attention of the committee to chap. 270 of the Acts of 1867 :

"SECTION 16. The Boston and Albany railroad company shall furnish, on every part of its line of road from Boston to the State line, accommodations or facilities for local travel and business not less than are now furnished by either of the corporations consolidated under the provisions of this act; *provided*, that such travel and business continue equal in amount to what they now are."

The duty of maintaining this Foster street station is devolved upon the Boston and Albany railroad by this act of consolidation.

MR. RICE. We simply desire to add to this documentary evidence, a contract under seal, between the town of Worcester and the Norwich and Worcester railroad corporation, forever releasing all claim for damages, on account of crossing the Common, within this location. The original contract was burned in a fire which consumed the office of the road. This is a copy taken from the books of the road.

I shall next offer the testimony of Mr. Smith, to show that the tracks should be continued across the Common. I do not understand that our friends on the other side have shown any plan by which they will avoid this crossing of the Common, so that we scarcely know what we have to meet.

MR. NELSON. We oppose your crossing the Common at all.

TESTIMONY OF A. F. SMITH.

Q. (By Mr. Rice). You are President of the Norwich and Worcester road?

A. I am, sir.

Q. How long have you been President of this road?

A. Between three and four years.

Q. I will ask you if you have had any experience as a railroad engineer and manager, and if so, for how long, and what?

A. I don't lay claim to being a civil engineer, but I have had considerable experience in railroad management, beginning with the Norwich and Worcester road. About March, 1840, when the road was first opened, I was employed by it in the capacity of a mechanic about three years, and a large portion of my time afterwards, I was employed as a mechanical engineer, having no further connection with that road from that time until I took the Presidency of the company and of the boat company connected with it, three years and a half ago.

Q. What road did you have charge of in the meantime?

A. I first had the superintendence of the construction and equipment of a road in Pennsylvania, sixty miles long; afterwards I was its superintendent, and for thirteen years after that I was superintendent of the Hudson River R. R.

Q. I wish you would state to the committee the reasons why you should be allowed to run across the Common into the Foster street station, from your point of view as a railroad man?

A. In the first place, Mr. Chairman and gentlemen, I think it would be appropriate for me to refer to the connections of the Worcester and Nashua road with the Norwich and Worcester. It is important in a business point of view; so important that in 1845, when the Worcester and Nashua road was projected, the

managers of the Norwich and Worcester seeing so much promise in the business, that it would develop and bring out,—it being a national extension of the Norwich and Worcester road to the north, being generally a straight line from Long Island Sound to Nashua,—took hold of it with energy, and helped it along all they could. They subscribed for \$250,000 of the 750, or \$760,000 original capital, and paid in \$100,000, and subsequently, finding their finances unequal to carrying out the plans, they gave up what they had subscribed.

MR. SANFORD. (to Mr. Rice.) The committee are satisfied of the importance of having a through connection between the north and the south. I think you had better call the attention of the witness to the engineering and practical questions.

Q. (By Mr. Rice.) Now, Mr. Smith, in regard to this plan which was developed by Mr. Nelson, will you state the objections to that plan? In the first place, you may state what kind of connection you should have, and how this plan fails to meet your necessities.

A. I will first say, in relation to the large amount of freight business which is done between the Worcester and Nashua road and the Norwich line to New York, that is mostly express freight, which it is necessary to carry very quick, starting from Nashua, Lowell, and other important points, and reaching New York the next morning. In order to do that, the trains must be run very fast. For instance: the regular express trains from Worcester, to the boats at Norwich, are run the whole distance, seventy-three miles, in four hours and twenty minutes, which is very fast running for freight trains, as every practical railroad man knows. In order to do that, we cannot afford to lose any time in Worcester; and now, as the committee are aware, the freights are passed through the city continuously, in one direction—that is, from Lincoln Square over to the Junction, and from the Junction back again. That business is now done by one company one week, and the other the next, instead of each company bringing the freight part way every day.

Q. Now will you state what degree of dispatch is necessary there, and how you are able to accomplish it?

A. As I said before, we can afford to lose no time, because we run the trains at an expensive rate of speed, as every one knows. We have no hindrances now in running from the Junction to Lincoln Square, by the crossing of railroads or hindrances by other railroads, except, of course, the stopping of the trains of the Boston and Albany road, which run to and from the Foster street depot; so that the two companies, understanding what is to be done, can run their trains back and forth whenever they are ready, without detention.

Q. Now will you state what the delay would be on the plan proposed?

A. The Norwich and Worcester road, starting at the Junction, for instance, and bringing their trains down to Washington Square, on the plan proposed by the late Mayor Blake, must come down below the Union passenger Depot, and there cross all the passenger tracks, however many there may be. I do not know how many would be requisite for the Boston and Albany road, running all their trains into that depot. Of course it would be within the run of the Norwich and Worcester road to the exchanging grounds to cross the tracks of the Boston and Albany road. The Worcester and Nashua road as they now

do their exchange business with the Boston and Albany, control their own tracks down to this ground, and would seem to have no hindrances in bringing their freight there and taking it away; while the Norwich and Worcester road must be stopped by all the trains of the Boston and Albany road, however many there may be. They must come down here and wait until they can get word to pass, if passenger trains of the Boston and Albany road are delayed. And I suppose they would not only be stopped, under this bill, by the passenger trains of the Boston and Albany Railroad, but by their freight trains, if they saw fit to insist upon it; I do not know that they would. But if they are stopped only by the passenger trains, they would be liable to be hindered five, ten, fifteen or twenty minutes. That would be a matter of very great importance to the Norwich and Worcester road, particularly if, running their freight trains at a high speed, they had to pass their trains on a single track; and if delayed, it would be a very expensive business to the line, because, when they arrive at the boat, they usually have to handle their freight very quickly. On the arrival of the last train, especially, they have but about three quarters of an hour to handle the freight, no matter how many car loads they may have, and they do it at great expense, in order to get the boat off as soon as possible, that they may arrive at New York on time, without resorting to a high rate of speed, at great expense for fuel, and deliver the freight on the dock in the morning before a large amount accumulates there to go the other way.

Q. What would be the effect of this detention on your business, as to the competition with other roads?

A. It would be extremely inconvenient and very expensive.

Q. Would you be able to compete with the other lines that you have to compete with?

A. We should not be, if we were subjected very often to that detention, or even once, in addition to all the other contingencies that come in to delay such trains.

Q. How about the continuous passage of cars across the tracks, and how would your switching arrangements be affected by the passenger cars of the Boston and Albany Railroad?

A. As I understand the tracks proposed here, we would run directly across the passenger tracks of the Boston and Albany road to the Union Depot, and then run down to some point below, and come up to the proposed exchanging ground. We should not only be subjected to the inconvenience of switching over there, but of being stopped by all the trains which run back and forth into that depot. Then, as, has been shown here, the distance is very largely increased, something like a mile, over the present plan of crossing the Common.

Q. (By Mr. Adams.) Has there been any plan devised for a through connection without crossing the Common?

A. At the suggestion of Mr. Chapin, President of the Boston and Albany road, a plan was made by Mr. Lawrie. [Plan exhibited.] This plan is the only one which was before the committee of the several roads who held their first meeting on the 5th of March, 1868, and the only plan until this large one was prepared by the late Mayor. Yes, I will say there was another one by Mayor Blake, but by no other parties.

MR. SANFORD. We understand what the plan was; we want to know how it will work?

MR. SMITH. Mr. Lawrie's plan was before the Railroad Committee, at a meeting held in January, 1869. The objection to it was that the curves are short—500 feet radius, I think; and he proposed to come down Front street, so as to make an ascending grade in both directions, a very considerable grade, and rather an impracticable one for trains to run safely; the rise is about sixty feet to the mile, I think. The idea was, that trains of the ordinary length which are run on the Norwich and Worcester, and Worcester and Nashua roads could scarcely be run round there at a safe speed with ordinary engines. That is, when you come round these curves, and particularly across the street, where it is dirty and very liable to slip at times, they must run very slow. It would not be safe to run with any speed, because the view is obstructed by buildings at points where the curves are shortest, and it is necessary to go with momentum to carry us round, or otherwise we must stop on the street. That was the objection, in addition to the increase in distance, which is not so much over and above crossing the Common.

Q. Which would be preferable, that plan of Mr. Lawrie or the plan of Mayor Blake?

A. I think Mr. Lawrie's altogether preferable. But I would say, in relation to that matter, that when that plan was presented to the Railroad Committee, and discussed *pro* and *con*, the city was represented by Mayor Blake, and he denied us the privilege, on the part of the city, of constructing it in that way. He was totally opposed to it, as I understood him, not only at that time, but afterwards.

MR. SANFORD. We don't care about anybody's opinion, just now, but your own. We are talking about the present.

MR. SMITH. I give you that for the purpose of showing that we have not had a practical plan before us.

Q. You have been testifying with reference to the particular plan which Mr. Lawrie submitted?

A. I have, in answer to your question.

Q. Have you given sufficient attention to the matter to enable you to say that no curve could be made which would avoid the objections to which you refer?

A. I say, that so far as carrying freight trains around there is concerned, it would be dangerous for the reason that the trains would be heavy and require a good deal of power to take them round, and they must go at considerable speed. We might divide the trains we run now into three parts, and then we could go round with moderate speed. Passenger trains could run safely, because they have very much more power in proportion to the weight of train. There is one street where the view is not obstructed at all, and we could come with a good degree of speed.

Q. (By Mr. Sanford.) You have violated the law in regard to railroad crossings, have you not, in going across the city?

A. I believe we have done so lately. We have made an arrangement for going clear through to Lincoln Square. That is on the track of the Worcester and Nashua road, but we run the trains half the time.

Q. (By Mr. Towne.) Could not that curve on Mr. Laurie's plan be thrown further back, so as to reduce it?

A. No sir, the curve would be increased, as I understand from Mr. Ball. At all events, Mr. Lincoln said that that was the largest curve that could be got in there.

MR. SANFORD. (To Mr. Ball.) Is this the plan which was shown to the committee at Worcester?

MR. BALL. Yes sir, it is the same plan.

MR. TOWNE. What are the objections to throwing that curve further back?

MR. BALL. There are costly buildings all the way up.

MR. TOWNE. That is, it is a matter of expense?

MR. BALL. It is a matter of expense.

MR. TOWNE. How are the grades on your curve?

MR. BALL. Starting at Green street, the Grade is about thirty-one feet to the mile. On Exchange street, going up, you have fifty-one to the mile, the same that you have on going from Foster street station.

MR. HOWE. What is the height at which you pass Front street there?

MR. BALL. Fifteen feet.

MR. BARNARD. What is the curve on the Worcester and Nashua road, northeast of the Foster street station?

MR. BALL. Five hundred and thirty-seven feet radius: ten degrees curve.

MR. RICE, (to Mr. Smith). How many trains, passengers and freight, do you run across the Common a day? I mean, if you merely run them in transit, without making up, distributing, or doing any switching on the Common or upon any of those streets?

A. I think ten or eleven at the present time.

Q. Does that include both corporations?

A. There are five passenger trains, making ten single trips a day, and from two to three, and I don't know but sometimes four freight trains.

Q. These twenty would be just about the number of trains that would cross the Common?

A. I should say twenty-five would be.

Q. Are you willing to join in asking this committee to report a bill, including a provision, that no switching, making up or distributing trains shall be done upon the Common and streets of the city of Worcester by any railroad?

A. I hardly see how it would be practicable for the Norwich and Worcester road to carry on its local freight business without crossing some streets located between the Common and the Junction.

Q. Well, what I ask you is, if you would not be willing to go upon an equality with the other roads, and have all the roads prohibited from making up or switching their trains on the Common or streets of Worcester?

A. If the other roads can get along without, I suppose we could; but I don't see the way exactly.

Q. Now, supposing there were 125 trains a day passing the Common, about how long would it require for a train to pass any given point?

A. The speed we ordinarily run, a safe speed, where the view is unobstructed as it is there.—I will here say, that as that plan lays, there is no point where the view is obstructed for a long distance where a street is crossed, except when you come along towards the Worcester and Nashua engine house, crossing Union street. In other words, there is no point where you cross a street on a curve, running from the Junction to Lincoln Square, or to Exchange street, the point spoken of in the bill, except where you cross Union street. That is the only point where there is a curve, and there the view is not obstructed by buildings any distance.

Q. Suppose your trains should only cross three streets and the Common in transit, so far as your experience goes, would that be any cause for complaint? Is there any complaint made by any village or city on that ground?

A. I think not. Where the view is unobstructed, with proper safeguards, trains can be run through with very little danger to the travelling public. My own experience is that there is not as much danger in crossing at grade with trains running slow, as in crossing streets or roads by bridges where the trains run at full speed.

Q. Have arrangements been made during the past year to run through trains from the North to the Sound?

A. There has been an arrangement entered into to run through passenger cars from Littleton, N. H., to the Sound. It was talked of last year, but never perfected until this year.

Q. What would be the effect upon that arrangement if you had to go down to Washington Square?

A. We should have to run down there and hitch on the other train, and come out again. We could not go through continuously.

Q. Would it or not greatly interfere with this arrangement?

A. I think it would. I think the passengers would quite as lief exchange cars as to be brought down to Washington Square, and then be turned the other end forward. Unless they were made aware of it beforehand they would certainly be turned wrong end foremost, while with the other parties everything comes right end foremost, especially with the Boston and Albany—even financially.

Q. The expense of making either of these changes would be very large, would it not?

A. It seems to me it would be.

Q. Have you seen Mr. Nelson's estimate?

A. I have seen it. I do not know anybody more competent to make estimates than Mr. Ball, who has made them, and so far as he has covered what is proposed to be done, I do not know that anybody could make a more accurate estimate than he has. It is to be determined, when done, whether the estimates cover it.

Q. You are a little doubtful whether his estimates cover it?

A. I am.

Q. It is your experience that the first estimates generally fall short, is it not?

A. They very seldom overrun. There isn't much money left, generally when we get through.

Q. If Mr. Lawrie's plan, or Mayor Blake's plan should be carried out, would your road be in as good condition as it is now, after the expense had been incurred?

A. No, sir, it would not. I should say decidedly it would not.

Q. Would your facilities for doing business be very considerably decreased or impaired?

A. I should say they would, because we could not have that surety of despatch which we have now. Any practical railroad man will see at once, that running as we do directly forward across the Common where the view is unobstructed we can go at greater speed and encounter less hindrances than there would be if we were obliged to cross the Boston and Albany tracks, and subject to detention by all the trains that run into their depot.

Q. Are you willing to incur this expense on account of your road?

A. No, sir. I don't think the railroad company should be called upon to make this change at their own cost, being located as they are with a good connection with a north and south line, and a large amount of through business coming over that line. The freight business between Nashua and Worcester is about as three is to two, in comparison with the Boston business between Norwich and Worcester. That is, the Boston business when it was all done by the Boston and Albany road. I refer to freight, not to passengers; the passengers are the other way.

Q. Your road is now under lease to the Hartford and Erie?

A. Yes, sir.

Q. And that lease is the property of whoever has the property of that institution at present?

A. It is so.

Q. It is in the hands of the Receivers of the Hartford and Erie Railroad?

A. Yes, sir.

MR. SANFORD. Don't spend any time upon that. Everybody knows how that is.

Q. The result of the whole is, that you prefer the Lawrie plan to the Blake plan, but you think that it would be an injury to your road, and a great hardship to be obliged to adopt even that?

A. I don't prefer either for freight business. Yes, sir, I will say that we prefer that to the Blake plan for freight business, but that is objectionable.

Q. (By Mr. Adams.) You do not wish either plan for either purpose?

A. Not if we can have the better one we already enjoy, and which we claim we should have, or an equivalent in money or other facilities. I do not know how we can get the facilities we have at present, with any plan that has been proposed at present.

Q. (By Mr. Rice.) Taking the passengers and the population around the streets, crossing the streets, etc., whether in your judgment as a railroad man there would be more danger of accident from a crossing down at Washington Square than there now is from crossing the Common as you do or might?

A. I am decidedly of opinion that there would be more.

MR. SANFORD. Do I understand that the city repudiates the Lawrie plan?

MR. NELSON. We repudiate the grade crossing at Front street, by freight trains or otherwise. The Lawrie plan has a grade crossing at Front street. The plan we should be satisfied with would be to have an elevated road over Front street. The plan, Mr. Chairman, which Mr. Rice pointed out to you

day before yesterday, and informed you that it would cost less than the other.

Q. (By Mr. BARNARD.) Would not the viaduct road be satisfactory to your road?

A. No, Sir, I don't think it would. I don't think it would be as well for the city of Worcester either.

Q. (By Mr. Adams.) With regard to your road—what would be the objection to your road?

A. Nothing except the heavy grades. They must pass over those bridges at a higher rate of speed, and consequently greater liability to frighten horses. I have noticed that there is more danger to teams from the crossing of bridges by trains than crossing at grade.

CROSS-EXAMINATION.

Q. (By Mr. Nelson.) You live at Norwich?

A. Yes, sir.

Q. Do you think that the people of Norwich would submit to such a nuisance as that of the tracks across Worcester Common?

A. I can't say. What am I to understand by the "nuisance" you speak of? The switching across the tracks?

MR. NELSON. The nuisance of your tracks across Worcester Common.

MR. SANFORD. You need not answer the question. It is wholly immaterial.

Q. Why have you done your switching across Worcester Common for years past?

A. I think very likely because it is in the immediate vicinity of our freight house, which is located just on Park street.

Q. How much did your road make by paying your bonds in greenbacks instead of gold?

MR. RICE. I object to that.

MR. SANFORD. You need not answer any question that is immaterial before the committee.

Q. You have been in the habit of making up your trains on the Common, have you not?

A. I have never seen it done. I can't say whether that is so or not.

Q. Do you deny that that has been the case?

A. I do, of my own knowledge, because I never saw it.

Q. Have you any doubt about it?

A. I have no doubt it may have been done at times, and may have been an inconvenience to the public.

Q. Is it not a great inconvenience to have those trains upon the Common?

A. It would be if they made a business of it. I don't think those things are unavoidable altogether.

Q. Suppose you were prohibited from making up your trains on the Common, what provision could you make to supply the switching ground which that Common affords you?

A. We should probably retreat towards the Junction. We take the ground as you are well aware, that we cannot transfer our local freight business, for the present, at all events, from that point to some point between the coal

yard and the Common, and retain our business and succeed as against a very active and energetic competitor, the Providence road whose depots are very favorably located for the heavy business with New York, for which we compete.

Q. Suppose you are prohibited from crossing here on to your switching ground, wouldn't you have to purchase land and cross there, to do the same thing?

A. I don't know that we should. How much more room we should have to lay tracks, I can't say.

Q. You think you could observe such a law as Mr. Rice suggested should be passed, prohibiting you from making up your trains on the Common or streets?

A. I have not said we could. I said I thought we could if the other roads could. That was my answer.

Q. Does that make any difference what other roads could do?

A. If they did they would stop some of the through business probably.

Q. Do you claim here that if Mr. Rice's suggestion were carried out, and you were prohibited from making up your trains on any of these streets you could do your business?

A. I don't know that we could. I don't think we could.

Q. Then you are not willing that that thing should be done?

A. I don't think we are.

Q. You still claim the right to use the streets of Worcester to make up your trains upon?

A. No further than is absolutely necessary to do our business. There is no doubt that there are inconveniences to the public that may be remedied, and if so, they ought to be. We endeavored to fix upon some plan, with the city authorities, to remedy the difficulties, and a plan was devised by Mr. Lawrie; but the then Mayor and other parties in authority said it could not be done, and must not be done; and we see no practical way of getting over the difficulty without some substitute which is practicable which they have not provided as yet.

Q. Can the Nashua road transport their trains over that crossing and observe the law requiring a stop to be made?

A. I suppose they cannot. That is, I suppose, they haven't the right to do it; it is a violation of law. I suppose they could do it. If the question is one of drawing trains around there without stopping, I say they can.

Q. Supposing there should be a curve connecting the Worcester and Nashua R. R. here with the Norwich road there, by a viaduct, would there be any greater difficulty in crossing by Exchange street over to the Junction than by the present line?

A. I don't know as I understand the question.

Q. Supposing there was an elevated road built across Front street, connecting the Nashua road with your road, to allow the street travel to pass under it, would that afford you as good an opportunity as the present line?

A. No, sir; not for heavy freight trains.

Q. Why not?

A. For the reasons I have given. There are short curves to run round, and very considerable grades, and we must go with very considerable speed or sub-

divide our trains, and make three instead of one, where we have now merely level street lines.

Q. Would there be any objection on the score of curves?

A. Yes, sir, because the view would be obstructed.

Q. How is it as to grades?

A. I think it is quite as favorable.

Q. Suppose you had two tracks across Front street, over the road, would not that remove the objection in regard to your not being able to see?

A. If we had a double track road, there would be likely to be trains passing in both directions at the same time, otherwise, a double track would be of no use, and then the view would be very much obstructed.

Q. I understand you to say that the grade by this line would be easier than the grade on the other?

A. I didn't say so, only on the authority of Mr. Ball, who I think is supreme.

Q. You said there would be a loss of some ten or fifteen minutes in going round to Washington Square, according to Mr. Blake's plan, instead of going across the Common?

A. I didn't say that. I said we were liable to be hindered by the trains of the Boston and Albany road.

Q. Don't you suppose you could arrange your time-table between Nashua and New York so that that ten or fifteen minutes could be provided for?

A. I think we might arrange our time-tables, but we are subject to the Boston and Albany road, and they don't always run to a minute, although we are willing to give them credit for running their trains with great regularity.

Q. Is there any particular difficulty in arranging your time-table so that that ten or fifteen minutes might be provided for?

A. We don't know anything about that. We don't know when the delay is to be, consequently we cannot meet it. What we claim is, that we should be liable to be hindered by the trains of the Boston and Albany road.

Q. Would there be any objection to the appointment of a joint superintendent who should have control of the crossings?

A. If there was such a superintendent, he would not be authorized, probably, to give us the preference over the passenger trains of the Boston and Albany road.

Q. How long a time do you keep your express trains in Worcester, from the north to the south?

A. Just as little time as we can.

Q. What is the usual time?

A. I can't say precisely what is the time. Going north we take more time; it don't make so much difference. It is when going south that time is important to us.

Q. Do you think that this delay of ten minutes is of sufficient importance to your road to require that the public should be discommoded by having your tracks across the Common?

A. It is not my idea that simply running these trains across the Common would interfere with the public.

Q. Including the making up of your trains?

A. No, sir; simply running the through trains directly across, I speak of.

Q. Do you think the public in the city of Worcester are entitled to any different arrangement of those tracks?

A. I should think they were, if they will show us any practical way of conveniencing them more.

Q. If the city of Worcester, or this committee, can provide a more practical way you will agree to it?

A. That depends upon what it is. I should not want to say yes, blindly.

Q. Take this viaduct, or elevated road, for instance?

A. I say there seems to be practical objections to that, other than the financial ones which are very serious.

Q. (By Mr. Barnard). Is this going to cost a good deal of money; and don't you think you should pay the bills?

A. I don't know as I have made up my mind on that question.

Adjourned to Friday, April 7th.

FOURTH DAY.

FRIDAY, April 8th, 1871.

The hearing was resumed at ten o'clock.

MR. ALDRICH. Before putting in any oral testimony, I desire to introduce one or two papers; and inasmuch as the voice of the city government has been heard, I desire to put in its last expression at the meeting of the Board of Aldermen, April 3d, 1871, since the last hearing.

Whereas, At the hearing in behalf of the petition of the Board of Aldermen of the city of Worcester, for the removal of the railroad tracks from the common and the streets adjacent, before the legislative committee on Friday, March 31, the assent of the city was expressed or implied in a scheme for crossing Front and Mechanic streets by a viaduct at a point but a little distance to the eastward of the present location, in consideration of a transfer of the tracks of the Norwich and Worcester and Worcester and Nashua Railroad companies to that point, and in further consideration of the continuance of the stations at Foster street and the Junction:

And Whereas, In the opinion of the City Council, such a scheme if consummated, would wholly fail to meet the exigencies of the case, and prove intolerable in operation, be it

Resolved, That the City Council hereby reaffirms its position advanced, and sustained by a vote of the people, and incorporated in the proposed act submitted to the legislative committee by the City Solicitor; and cannot, as it ought not, accept of any compromise which shall not provide, in the speediest and most effectual way, for the removal of all railroad tracks from the common, Mechanic, Madison and intermediate streets, as well as for the construction and use by all the companies of a union station.

Three aldermen declared themselves in the affirmative, and three in the negative, and the resolution was accordingly lost.

When we were here at the former hearing, a question was asked by a member of the committee which was not very fully answered, and that was as to the right under which the Worcester and Nashua road had laid and maintained its track from the Foster street station to the Junction. I am now prepared to show, by a copy of the deed, that they own in fee the track which they use from the Foster street station to the Junction, with the exception of the Common; and the right to cross the Common was given under a vote, which is already on the files of the committees of the City Government. I desire to put in this copy of the deed. In the first place the Norwich and Worcester had the right to connect with the Boston and Worcester R. R. at the Foster street station, or anywhere in that vicinity; and the Norwich and Worcester road in accordance with its charter, did locate to the Foster street station, there connecting with the Boston and Worcester, taking a width of some five rods; and they also acquired in fee the location, that is, the land over which their road is located, from the Junction to the Foster street station was not taken under the right granted by the Legislature, but it was purchased and they own

the fee. Subsequently, or at about the date of this deed, a copy of which I now have, in 1853 the Norwich and Worcester R. R. conveyed to the Worcester and Nashua, and the Providence and Nashua, a portion of its track which it owned in fee, to the width of 13 feet and 4 inches, so that the present track of the Worcester and Nashua, extending from Foster street station to the Junction is owned by them in fee, with the exception of that lying across the Common, and that they have a right to use under their charter and the vote of the city authorities.

I desire also to put in a matter of reference and submission and award, in relation to a passenger station in Worcester. In 1864 the officers of the Boston and Worcester railroad, and the officers of the Nashua and Worcester, and the Norwich and Worcester, agreed that they would build a Union depot, near the Foster street station, by a vote of the three companies. They proposed to build at that point where we say it ought to be maintained, and they agreed to submit an arbitration to three arbitrators, who were appointed, consisting of Gov. Lincoln, Charles W. Hartshorne, and Alonzo Blackstone, to whom was submitted the portion which should be paid by the several railroads, and they made an award. This shows that this project of a Union depot at Foster station is not a new one, but is one which was contemplated long ago, and provision was made for it, as was supposed. The Worcester and Nashua road voted to accept the award with a certain condition; but at that time the Boston and Worcester did not accede to the condition imposed upon the acceptance of the award by the Worcester and Nashua, and for that reason it failed at that time.

MR. STEARNS. What was the condition?

MR. ALDRICH. I think it was that they should be required to keep open all the land on the north side of the Boston and Worcester, which belonged to them, for the common use of the several railroads, some land lying north of the track of the Boston and Worcester railroad.

TESTIMONY OF JOSEPH MASON.

Q. (By Mr. Rice.) You live in Worcester?

A. Yes sir.

Q. You are clerk of the Courts in Worcester?

A. Yes sir.

Q. And have been for fifteen years?

A. Yes sir.

Q. Mr. Mason, you have been conversant with the talk and proceedings in Worcester during those fifteen years in regard to these railroads and tracks have you?

A. I have given some attention to it from time to time, as the various questions have come up.

Q. I will ask you when you first began to hear any complaint in regard to these tracks upon the Common, and any expression of feeling in regard to their removal?

A. I should say the first I heard in relation to the removal of the tracks from the Common, was within five years. I cannot be particular as to the time, but my impression is, it was within that time.

Q. Until the time, or about the time, of the consolidation of the Boston and Worcester, and the Western Roads, had there ever been any complaint, to your knowledge, of those tracks on the Common?

A. My impression is, I never had heard anything of it before that time. I should think that would come within the limit.

Q. In regard to the Foster street depot; what, in your judgment, was the feeling of the citizens of Worcester up to that time, and how nearly unanimous?

A. Well sir, up to that time, I don't know that I heard any objection stated to the Foster street depot, or any design to change the general arrangement of the railroad depots in the city, except one thing which I must refer to, which took place before that:—the attempt of the Boston and Worcester and the Western railroad to make arrangements for a new depot; which I think was a short time previous to the act of consolidation; and at that time I recollect knowing something about it, through a gentleman connected with the road, that the plans were nearly completed for the purpose of constructing a depot down the curve, to avoid some of the difficulties that now exist at that station.

Q. That was to be at Foster street?

A. Yes, sir.

Q. Was there any talk up to that time, of a Central Union Depot at Washington Square?

A. I never heard of it.

Q. What is the general opinion of the citizens of Worcester, in respect to that depot at Washington square, as to its convenience to the citizens.

A. A very large proportion of the persons who take the cars take them at Foster street. Persons who take the express trains go to Washington square, because they have to go there to take the cars and get their tickets. I suppose there is a universal preference for Foster street station, with a very few exceptions.

Q. What has been your observation up to the present time, in regard to those who got on and off at Washington square as compared with those who do at Foster street, except on the express trains?

A. I don't travel in the cars as much as a great many other persons; but my observation has been, that a very large proportion of those who take the cars take them at the Foster street station, and very few Worcester passengers get on at Washington square. I noticed a week ago to-day, as I came down, that a very large number got on at Foster street station, and I also noticed the same thing to-day—that almost all the gentlemen who came down took the cars at the Foster street station. Perhaps three or four, or a half dozen, at the other station.

Q. The train stopped at both stations?

A. Yes, sir.

Q. How many got off at Washington square, when we got up there?

A. I didn't notice that anybody did.

Q. Is it not so almost always, with trains that stop at both stations, that almost all the Worcester passengers get on and off at Foster street station?

A. I think so; that is my observation.

Q. In regard to the wishes of the travelling public, the business public of

Worcester, in regard to a station; in you opinion which is their preference, Foster street or Washington square?

A. Among the gentlemen with whom I converse, whom I am in the habit of meeting, and who are the business men of the city, I should say there is almost a universal desire to retain the Foster street station for certain purposes.

Q. You mean to retain the present one?

A. No sir, a better one; to retain it for certain purposes. I find a difference of opinion about that; but I have not conversed with any gentleman who didn't say that he thought the Foster street station was desirable, at least for the purpose of taking the cars to Boston, even among those who are in favor of a Union depot at Washington square to accommodate the other roads. I have no doubt, however, that there are persons, who are interested in real estate around Washington square, and who live in that vicinity, where it is as convenient for them to take the cars, that would be perfectly willing that Foster street should be abandoned; but I think the class is a very small proportion of the whole population of Worcester. Certainly a very small proportion of the business men who represent the capital of the city.

Q. You think vastly the greater proportion of those are in favor of the Foster street depot. Is that your opinion?

A. I have no doubt of it. There is this qualification which I ought to make, that a great many who express very decided opinions in favor of Foster street station, I find throw in the qualifications, that they want at the same time to get rid of the tracks on the Common.

Q. I will ask you if you ever heard any expression of feeling, as to what would be the general wish, supposing the Common and the streets adjacent could be relieved of the inconvenience arising from making up freight trains there, and only subjecting them to the inconvenience arising from the transit of trains. Have you heard people speak of that, so as to give you an idea of what people think, and what would then be the feeling?

A. I have not conversed with a very large number of persons about it. I have not been out of my way to converse with them at all; but gentlemen have fallen in my way and the matter has been spoken of. A number of gentlemen who are quite familiar with the condition of the city in that respect, I have heard an expression of opinion from; I have conversed with several of the physicians, Drs. Sargent, Clark, Woodward, and Francia, who are riding, more or less, at all times of the day and night in different parts of the city, and I have heard them express the feeling that if the making up of freight trains was removed from the Common, and the several important crossings throughout the city, that the mere transit of passenger trains and freight trains through the city would not be a serious objection, and the feeling that now exists against the incumbrance on the Common would be done away with. I think that is the general expression of the gentlemen I have talked with.

Q. Whether they are gentlemen who represent the public sentiment of Worcester, according to your experience and observation?

A. They do, according to the sentiment that comes within my observation.

Q. Is there any other reason that occurs to you why the Foster street depot should be retained, and to show that it has the preference of the majority of the

people, and of the traveling public in Worcester; if so, you may state if you please?

A. My opinion is, and I have heard a great many people express the same opinion, that the entire abandonment of the Foster street station would operate very injuriously to a large part of the property in the city of Worcester. My own opinion is, that every foot of land on both sides of Main street and west of Main street would deteriorate in value.

Q. Is that the most valuable land in the city at present?

A. Yes, sir. The land is regarded as of higher value than in any other street in the city. I think the tendency of removing the Foster street station would be to discontinue the track for business purposes, all the way between Foster street and Madison street. Even if the Norwich and Worcester road was retained on the south side of the Common, it would not be used for running freight from that point. The railroad facilities are what has built up the city to a great extent,—the north and the south track running through the city; the Worcester and Nashua road on the north, and the Norwich and Worcester on the south of the Foster street station. All along these roads are important establishments, machine shops, coal yards, stone yards, establishments where heavy business is carried on that requires railroad facilities which are essential to the transaction of business. If the track is discontinued the business must be discontinued in these places, and go where the track is: and if it is removed to a distant part of the city business must follow it. I think the withdrawal of that business to a more easterly location would have a depressing effect upon property.

Q. Whether there are not many more of these establishments upon this route than the other through the city?

A. Very much.

Q. Whether these roads have not provided switch tracks for the accommodation of those stores, and by that means conducted to their establishment, and building up?

A. Yes sir, a very large number of them, I should say.

Q. Whether you know what the feeling of the owners of those establishments, and of this real estate, generally is, in regard to the opinion you have expressed?

A. I have heard quite a number of them express their opinion. I believe a great many of them are here, and have testified. I have not taken any pains to see them about it, but have accidentally heard some of them express their opinion about it. I recollect hearing Mr. Knowles, who has a shop in South-bridge street.

Q. What is his business?

A. Manufacturing a certain class of machinery.

Q. Looms?

A. Yes sir.

Q. Did he say he could not do his business there if the track was removed?

A. Yes sir, I understood him to say so. I presume that is true of a good many establishments there, that they could not do their business.

Q. You were about to state some other considerations that occurred to you?

A. The other consideration that I was going to state, as influencing my mind in relation to the effect of property on Main street, is the fact that Foster street is very convenient to a very large proportion of the retail business of the city.

The retail business is almost entirely on Main street, the banks, insurance companies, and retail stores are mostly on Main street. Foster street station is within a short and convenient walk of all those places, and also within a convenient distance of the Court-house, and persons from the country who do a great deal of their business in Worcester find it convenient to come in these. They are landed within a short distance of the places where they do their business; are enabled to do it in a short time, and return in the next train. I think if the change was made so that they were to be left at Washington Square instead of at Foster street, you would find the additional walk or ride they would be obliged to take, would deter a great many from coming there, and in that way, I think it would operate seriously to the prejudice of the business interests of Main street. They would seek their markets at other places under different conditions. I have heard it stated by a gentleman who was in the habit of coming to Worcester to do his banking business, that he had just time enough to get there, do his business, make his purchases for his manufactory, and return in the next train, but that if he was to be left as far off as Washington Square, he should do his business elsewhere. I have no doubt that is true to a considerable extent, although I could not call to mind individual instances.

Q. Describe the general character of the population, and business establishments in the vicinity of Washington Square: whether that is a place that is safe for ladies in the day time, as for any person in the night time to frequent?

A. I presume all the gentlemen here are more or less acquainted with the appearance of things there, as the committee have visited that locality. The largest concerns there are the Washburn Iron Works and the Card Factory of Mr. Earle; the establishments, in that vicinity, are rather for heavy businesses, iron business, coal business, and stone business—business of that kind. I don't know in regard to the safety of it.

Q. Is not that quite a centre of the liquor business of that city?

A. I am not particularly acquainted with that business; but there is a good deal of it done, I have understood, around there. I don't know anything about it except from hearsay. I frequently hear of some stores from there being represented in the criminal courts.

Q. Whether it is a place that you would desire to have ladies that you are acquainted with, walk through, unattended, or without escort, or whether you would feel safe yourself in walking through in the night time?

A. I should not be afraid to go through there myself in the night. I do not think any lady would go there unattended in the night, or even in the day time, it may be. But of course it is perfectly safe to go anywhere in Worcester in the day time. We have a very orderly city; but I don't think ladies would wish to walk unattended in that part of the city.

Q. (By Mr. Stearns.) I understand you to say, the feeling of Worcester is, in favor of retaining the Foster St. Station, and of removing the tracks from the common. Suppose it should be found impracticable to do one, without the other: would they prefer to have both removed, rather than neither, or neither rather than both?

A. I will make myself a little more explicit. I think, myself, that the

majority of the men that I have spoken with about it, men that I have heard speak about it; the majority of the men that represent the business and capital of Worcester, would say, retain the Foster street station at all events, while they would take that position, they would also say, they would be very glad to have the crossings relieved as far as it is possible to do it. Then, there are others, I don't know how numerous, but not very numerous, among those I have talked with, who would say, unless you can get the track off of the common, let the Foster street station go too. I think a great majority would say the other way, retain the Foster street station, and relieve the common as much as you can.

Q. How do you propose to do it?

A. I don't think they have very well considered that. I don't think the matter has been as carefully considered by the city of Worcester, as it should be.

Q. I understand you to say, if the Common was relieved, except of the necessary passage of trains, it would not be very objectionable?

A. I think it would not be. I think the citizens would be satisfied with that arrangement, and if it proved afterwards, if making up trains should be prohibited in those crowded streets, if, after trial of the experiment, it should be found that still the evil was a great one, and one to be complained of, the change of giving up Foster street station can just as well be made then as now. There is no public exigency that I am aware of that requires the thing to be done now. My own impression in regard to the plans, and I have given the subject some study, by riding over the ground and examining the plans; my own belief is that a much better plan for a union station can be shown, than any that is shown, if Foster street is to be abandoned. My own belief is, that if Foster street station was to be abandoned, and another location selected for the union depot, that the corner of Green and Franklin streets is the best place for it. I think the necessity of reversing the trains is a great objection to the plan which is proposed. [Witness indicated on the plan the location of the union depot, as suggested by him, and said]: The Norwich and Worcester road passes along here by this curve, cutting off the corner there at that junction and coming in here. The Worcester and Nashua comes down here to that point and makes a detour to the right, and then goes on its course, joining the Boston and Albany road. The sewer which has been spoken of, passes along down here. If the Worcester and Nashua road was extended down and over this sewer, upon a curve, which Mr. Ball said was a curve of 500 feet, it would come on to the Boston and Albany road, just beyond the corner to which I refer, this making a natural junction between the two roads. From personal observation of the ground there, and from conversing with Mr. Ball, I understand there is sufficient room therefor a passenger depot. Of course it would not be a station for freight. The freighting business of the Boston and Albany, is done upon its own ground, and the Worcester and Norwich would have to find some other place.

Q. You would not have the Norwich and Worcester cross the Boston and Albany?

A. No sir.

Q. That would come in from the south, and keep on its own side?

A. It would come in here, and run with the Boston and Albany to this station, on its own side, and there would be no necessity of reversing the trains as required by the other plan.

Q. The freight trains would have to cross?

A. Yes, sir. My impression is, whatever is done, the Norwich and Worcester railroad have got to seek new freight grounds. There is plenty of open country at the south there. I understand they desire authority to take new ground. I don't propose this as a plan that I should recommend. I simply suggest it as a thing that strikes me as better than the one proposed. It seems to me that if it should become a matter of necessity to abandon the Foster street station for the purpose of relieving the Common and crossings in the city; that the corner of Green and Franklin street is the best locality for the depot. I do not mean to say I favor such a thing now, but I suggest it as a thing which, on more mature examination, might be found practicable, and might be adopted. In regard to any of these plans my impression is that they haven't been sufficiently examined. These plans of Mr. Blake have been completed since his death, within a month or two, and haven't been seen, I understand, by the public until very recently; and when people have voted in relation to this matter of tracks on the Common, I think they have voted with very little idea of how it was to be done, or what should be done.

Q. What is your idea as a person somewhat conversant with the sentiment of Worcester in regard to the effect that would have been had upon that vote had it been coupled with the removal of Foster street station; that is, had the question been: shall we favor the removal of the tracks from the Common and the Foster street station, and the Union Depot?

A. It is a mere matter of opinion and speculation. I can have no great knowledge of it. My opinion is that many persons who didn't vote would have voted "No," and many persons who voted "Yea" would have voted "No."

Q. If that was submitted to the people to-day, don't you think there would be a different vote from what there was?

A. Yes, sir.

Q. I want to ask you whether there has not, of late years, been a good deal of complaint about these station houses, and the accommodations they furnished in regard to their character and their appearance. Whether that has not tended to excite the people to a desire for some change?

A. I think that is so. I have heard a great deal of complaint of the general character of the railroad stations in Worcester, and I have heard in connection with it, the feeling expressed, that "it would be very nice," to use a common expression, to have a new depot in Washington Square.

Q. This plan that you suggest, would still leave a good many of those business establishments unprovided for?

A. I am aware of that; and in that respect, it is objectionable.

Q. You think it would not accommodate the business of Worcester, or the travel as well as the Foster street station do you?

A. I don't think it would. It is nearer Main street, and nearer the centre of business than Washington square, and not so near as Foster street.

Q. You suggest it as a compromise, if it should be necessary to make a change?

A. I suggest it, to show that there is something better than that which has been proposed; that possibly something better might still be discovered.

Q. (By MR. NELSON.) You have had a very considerable interest in this matter for some months past?

A. Oh, Yes. I always have had. I have felt it was very vital to the interests of Worcester, and I generally take interest in what interests the city.

Q. You prepared this remonstrance?

A. I wrote it, yes, sir.

Q. Was that submitted to the railroads?

A. No, sir, not by me. A gentleman asked me to write a remonstrance, and I wrote it.

Q. Who asked you?

A. I handed it over in the original draft. I think it was altered some.

Q. Who asked you to prepare it?

A. Several gentlemen were present when it was spoken of quite incidentally. I think Julius E. Tucker asked me to write it. I wrote it and handed it to him and that is the last I saw of it, until it went into print. I don't know whom he submitted it to.

Q. Did you submit it to Judge Dewey?

A. No, sir, I don't know that he ever saw it. I never submitted it to anybody.

Q. Have you ever signed a petition for the removal of Foster street station?

A. I did.

Q. How long ago?

A. That was about the first I heard about this removal of the track. A gentleman came into my office with a petition to remove the track from the Common; I didn't give it much attention, being quite busy at the time, and I signed the petition. He hadn't been out of my office half an hour before I said to myself, and to others, that I had made a mistake. I afterwards met Mr. Lincoln, and said: "I have signed that petition, but shall act directly contrary to it."

Q. Have you signed any other petitions in the matter?

A. No, sir, that was fully five years ago.

Q. Wasn't that addressed to the railroad companies asking them to remove the Foster street station?

A. I don't think I ever signed a petition of that kind. I should like to see the signature. I don't believe I ever made such a mistake as that.

Q. Are you not President of the Bay State Hotel Company?

A. Yes, sir, but my interest is not a very large one in it. I am not aware of having signed any such petition as you refer to. If I did, it must have been done very hurriedly.

Q. Are you part owner in the Waldo House?

A. No, sir, I believe that is owned by Mr. Stark. I will say here, what real estate I have is on the west side of Main Street.

Q. You own a large tract on the west side?

A. Yes, sir.

Q. You think that property would be affected there?

A. Yes, sir.

Q. You are a near relative to Mr. Kinnicut?

A. Yes, sir, but I don't take my opinions from him.

Q. You are a near relative of Mr. Lincoln?

A. Yes, sir, I am happy to say I am. There is one thing I ought to say as an explanation of the views I express. I think something ought to be done to prevent this mischief on the Common. I don't think any more should be done in relation to that than in relation to other crossings in Worcester. My own belief is that there is a necessity for an act of the Legislature, prohibiting the making up of trains in the crowded streets of Worcester, which should be made to apply to the three roads. I don't think the Boston and Albany ought to be allowed across Grafton and Green streets. I think the Worcester and Nashua, and Norwich and Worcester, should be prohibited from making up, at any point between the north side of Lincoln Square and Madison street, and I should be glad to have the Legislature pass an act to accomplish that object. I think the people of Worcester generally desire it.

Q. Suppose the question was presented to the citizens of Worcester, whether they would desire to have the tracks removed from the Common and Front street, and also that Foster street station should be continued for the local Boston and Worcester, and the Worcester and Nashua business; what would be the vote on that?

A. That would be just as it is now, with the exception of the Norwich and Worcester road.

Q. You would have the Boston local business done at the Foster street station, and the Worcester and Nashua with the right to come up there if they desire to.

A. It would be very difficult to tell what people would think under these circumstances. It is a change of base which would be difficult to decide upon. People would form different opinions about it. I never have considered that, nor heard it spoken about much. I should say, I should prefer, if the tracks were to be removed from the Common, to let the Worcester and Norwich come in by the route suggested by Mr. Ball, with a bridge over Front and Mechanic streets, which I understand can be built sixteen feet above the street, because I don't consider myself that such a bridge would be objectionable there. I consider a bridge made there, planked over and inclosed, so a train of cars when passing, would not be seen by horses, wouldn't frighten horses, and wouldn't be objectionable. The only objection would be the noise it would make in passing over. I know that such elevated tracks are very common, and not particularly objectionable.

Q. Suppose the question were put to vote for the removal of the tracks from Front street, and the discontinuance of Foster street station, except for the Boston local passengers, what do you think would be the vote in our city; all the rest to remain as now, except that there should be a passenger station at Washington Square?

A. It would be impossible for me to judge what people would think, or how they would act in relation to a state of things which has not existed, and which has not been much considered, and I should be unwilling to express any opinion upon it.

Q. Do you think many people who voted "yes," on this vote last fall, were ignorant that it would affect Foster street station?

A. I think many people thought that Foster street station and the Junction Depot would both be retained, and I think a good many voted "yea" who didn't care anything about it, one way or the other.

Q. This matter of a Union Depot at Washington Square has been agitated for some years in our city?

A. Not for many years.

Q. Two or three years?

A. Yes, sir, more than that.

Q. Is it not also proposed and believed by the citizens that the removal of the tracks meant also a Union station at Washington Square?

A. I think those two things have been coupled, but I don't think it was connected with the idea that Foster street station would be abandoned.

Q. But the removal of the tracks from the Common, and the Union passenger station, have been connected together?

A. I think it has always been so. I think it was the idea of a magnificent depot at Washington Square which was the alluring attraction which drew the vote that way.

Q. That would be an attraction?

A. Certainly; any good station is better than a poor one.

Q. I find in this remonstrance the following: "A further reason for this remonstrance is that the proposed removal of railroad tracks would be attended with immense expense, no careful estimate of which has yet been completed; and that unless done voluntarily by the railroad companies interested such expense would probably and justly fall upon the City of Worcester." Whether that wasn't suggested by some railroad Director?

A. No, sir; it was an opinion I have always expressed, but I didn't consult with any gentlemen connected with any railroad, nor do I know that any one of them ever saw it at all until after it was printed.

Q. Who is Mr. Tucker?

A. He is the gentleman who is the business manager of the *Worcester Palladium*.

Q. And not connected with the railroad interest?

A. Not that I know of. I wrote it at his request. There were others present; I think Mr. Knowlton of the *Palladium*, was present, I handed it to Mr. Tucker, and that is the last I know about it, except that it was printed and put in circulation. I afterwards signed it when a gentleman came into my office with one of these remonstrances; I signed it among other names that was upon it.

Q. You signed both the petition and the remonstrance? You signed the petition to the Mayor and Aldermen, requesting them to put this article in the warrant?

A. No, sir, I never signed that. The petition I signed was four or five years ago. That was a petition in some form, for relieving the Common from those tracks.

Q. Wasn't that also for the removal of the Foster street station?

A. No, sir, I am quite positive of that. If it had been, I should not have

signed it. I recollect when the petition you speak of was presented to me by Mr. Pond; that is, for this vote, I told him I wished, as he was circulating that, he would also circulate another, and I sat down and wrote a petition for retaining the Foster street station, and I handed it to him.

Q. What success did he have with that?

A. I believe he didn't obtain many signers.

Q. Has there not been a very general feeling in Worcester for the last twenty-five years, that the depot accommodations furnished by the several corporations, were shameful and deficient in convenience?

A. I have heard the remark made that they were scandalous.

Q. Has not plan after plan been proposed without success?

A. I commonly speak from hearsay, in regard to that. I have seen plans and understood that several had been proposed.

Q. Have you any idea that these corporations left to themselves would come to any agreement on this subject?

A. I should think it very doubtful. I understand that various trials have been made, but without success.

Q. Some corporation always thought that some other was going to get the advantage?

A. Yes, sir.

Q. Do you think the citizens of Worcester, by vote, would come to an intelligent decision upon the question of what arrangement could be made. Is it a subject which they could vote upon intelligently and decide?

A. It don't seem to me, to be a proper subject to submit to a popular vote.

Q. Is not this a matter which must be submitted to an impartial body of men to do what is best, without regard to popular clamor?

A. My own impression is, if the matter could not be agreed upon by the railroads themselves, it should be determined by the railroad commissioners, or some committee, candidly and scientifically.

Q. You spoke about loss of business; between the south side of the Common and Foster street, there is no business establishments that use the track?

A. I should think there are. Oh, no, sir.

Q. The only one you named was Knowles'; that is south of Park street, between Park and Southbridge street?

A. There are not so many that way. There is a stone yard down there, Mr. Mann's stone yard.

Q. My inquiry is between Park and Southbridge streets?

A. I think there are not any there.

Q. This building of Dr Sargent's is on leased land; the lease to expire in three years.

A. I don't know anything about that.

Q. Is there any establishment, that occurs to you, that would lose its railroad track, by removing the freight station of the Norwich road—between the Common and Madison street?

A. Isn't there a coal yard in there, and a stone yard somewhere there; I don't remember particularly about it. I had an impression that there was some other establishments there, that wouldn't be accommodated.

Q. Are there any other places in the city, anywhere, where the change to

Washington Square would take away the railroad track from business establishments? There isn't any on the line of the Nashua road.

A. The line of the Nashua road, would't be changed. My impression is there are more of these facilities furnished by the Nashua than by the Norwich and Worcester.

Q. The only line on which there is any railroad track used by business establishments, is between Foster street station and Washington square, on the Boston and Albany road?

A. I don't quite get your idea?

Q. What business establishments would lose their railroad track by this proposed change. I ask whether the only ones are not there?

A. Yes, sir.

Q. There is Goddard, Rice & Co.'s Paper Machinery establishment, that is a large establishment, and then there are some on the other side; Wellington's coal yard?

A. I am not very familiar with the details of the business. I simply know generally.

Q. Suppose they abandon the Foster street station and put a street down from the present Foster street station to Washington Square, with a railroad track, for business uses, on one side of the street, so freight cars could be brought up to the neighborhood of those establishments, would they not get about all they have now!

A. I should think they would.

Q. If the Foster street station was taken away and a street put through would not that very much diminish the inconvenience to the citizens of Worcester?

A. No, sir; because Mechanic street goes through to Washington Square and the distance would be a very little less by Foster street than by Mechanic street.

Q. Mechanic street has improved it?

A. Oh, yes; but there are now two thorough-fares to Washington Square—Front and Mechanic streets.

Q. Isn't a great part of the opposition the result of alarm on the part of owners of real estate who think their property will be affected?

A. I say, I think it will affect the whole line of Main street, on both sides of it.

Q. That apprehension affects your feelings about this, and the feelings of a great many others?

A. Yes, sir. That is one of the considerations, and an important one—rather the leading one. Another leading one is the convenience which it affords the people of Worcester to take the cars at so near a point to their homes and places of business.

Q. That is not used by so many of the inhabitants as live south of the Common. They can go to Washington Square as well as Foster street?

A. Yes, sir.

Q. South of Front street is the centre of population now?

A. I think it is. I should think the vicinity of Front street.

Q. That would extend as far west as you choose to go. All the people who go from New Worcester, and any of the streets that branch out of New Worcester street would get to Washington Square as quick as to Foster street?

A. The principal retail stores are North of Front street, and quite near to Foster street. They are mostly in that part of Main street.

Q. I am taking of the people who come from their homes to the station. Half the population is south of the Common, and that half would go to Washington Square as quick as to Foster street?

A. Not so easily, I think.

Q. Why not?

A. The distance is greater. Persons living south of the Common, have got to go by the Common to get there; and when you get to the Common, it is easier to go across the street, than to go to Washington Square. You have got to go to the Common to get to Washington Square, and when you reach the Common, it is easier to go across the street, than to the square. The distance isn't more than half so great.

Q. How is it north of Lincoln Square?

A. My impression is that the distance is twice as great from Lincoln Square?

A. My impression is, that the distance is twice as great from Lincoln Square to Washington Square, as it is to Foster street.

Q. There is a large piece of land to come into the market from the hospital grounds which is to be built over?

A. Yes sir.

Q. There is reason to suppose the jail will have to be removed?

A. That probably will be done.

Q. So there must be a considerable growth of dwelling houses about Summer street.

A. Probably.

Q. You don't of course, think the great traveling public, going over the Boston and Albany road can be brought up to the Foster street station on their way?

A. No sir, I have no idea they would. I don't know what arrangements might be made. I don't suppose through passengers would stop there.

Q. Has there not got to be a station at Washington Square?

A. Yes sir, there has always been.

Q. Suppose the plan spoken of in your remonstrance was adopted, of building a union depot, and retaining the depot at Foster street, don't you think the inevitable course of things would be to bring the local depot down to Washington Square, in ten years.

A. It would be quite as likely to bring the other up to Foster street?

Q. Wouldn't you rather have anything done, by any body of men, than have things go on in this miserable way?

A. I think some change is necessary.

Q. Would you not rather have any change recommended by an impartial tribunal, than to have the present treatment of the citizens of Worcester, in the matter of accommodations by the corporations continued?

A. Yes sir.

Q. What do you want done personally?

A. I don't ask anything.

Q. You want to leave things as they are?

A. My own impression is, the general arrangement of the depots and trains, in the city of Worcester, is about as it should be. I think we need a new depot at Foster street, one of a different construction, adapted to accommodate the different railroad corporations, as well as the public. I believe that that done, and the method I suggested, of relieving the crossings and Common of making up trains, that these changes would give general satisfaction.

Q. What would you have done at Washington Square?

A. I should be glad to see a better depot built there, but whether it would be right to require the Boston and Albany Railroad to build two depots at once, or build one now and another at some future time, is something for others to decide beside myself.

Q. (By Mr. Rice.) If the expense of these changes was to be borne by the city of Worcester, what would be the sentiment in regard to having them made?

A. If the expense of these changes were to be borne by the city; if that was one of the features that they were to be borne by the city, and that expense was anything like what I have heard it estimated at, I think the plans would be repudiated by the city. I don't think the city would be willing to incur such an expense, even to relieve the Common.

Q. I wish to call your attention to this track from Foster street to Madison street. Is there not a very large building upon Mechanic street where there are several grain stores?

A. I presume there are some gentlemen here, who are much more familiar with that than I am, and can give you the details.

Q. (By Mr. Nelson.) Do you seriously think that if the Legislature should require these railroad corporations centering in Worcester, to afford more depot facilities, and make some change in the track, so that it would be less inconvenient for the citizens of Worcester, that the expense should be borne by the city of Worcester?

A. I don't think the city ought to pay the expense of new depots. I think the depots ought to be required; but if the Norwich road is required to tear up its tracks and abandon its original terminus, and remove its track to entirely different ground, and that was done at the request of the city of Worcester, and to benefit Worcester, I think they ought to pay the bill.

Q. (By Mr. Rice.) Whether you don't think that any act that provided otherwise would be unconstitutional?

A. I leave that to a higher tribunal. I should think it was a matter about which there might be serious doubts.

Q. (By Mr. Nelson.) Don't you think it would be unconstitutional to impose it upon the citizens by way of tax?

A. That would be another difficulty which you started, and I didn't.

Q. You don't anticipate any change would be made by agreement?

A. I can say this: I know these railroad companies have been negotiating in relating to railroad depots for several years, and they have been negotiating without success.

Q. You don't think the city of Worcester would agree with unanimity upon any change?

A. No, sir.

Q. Then is there any way by which the change can be made, unless power is given to somebody, or exercised by somebody that has it, by which the change can be made?

A. I think it will require some power to make everything satisfactory.

Q. Would it not require some power to make any change at all?

A. Yes, sir.

Q. Do you desire that any power be vested anywhere, by which any change can be made?

A. I should say, in regard to myself, that I desired to have the power of the Legislature exercised, to require the building of a new depot on Foster street. I believe it is agreed that there ought to be better depot buildings. I should like to see the power of the Legislature also exercised to prohibit the making up of trains on the Worcester and Nashua railroad and the Norwich and Worcester railroad. I mean of freight trains, at any point between the north side of Lincoln square and Madison street, and I should like to see the same act apply to the Boston and Albany railroad in regard to Green and Grafton streets.

MR. TOWNE. In regard to the liability of the city I do not want to put it in the form of a question, but I would like to suggest that upon that point I desire a little light. There were documents put in that seemed to establish clearly on the part of certain companies, a right granted by the city in years past, to a track on the Common. At sometime in the hearing I would like to hear evidence or statements in regard to that point; whether that is conceded and to what extent, and then how far the liability of the city for this depot, hinges upon it, or connected with it.

MR. NELSON. None of those votes that we have put in here are in the form of grants. The city of Worcester has never made any grant of a right to locate. The Nashua railroad located its road over our Common. The city of Worcester gave them permission to do so, so far as damages were concerned on account of that location.

TESTIMONY OF GEORGE NEWTON.

Q. (By Mr. Rice). What is your business?

A. Wholesale grocer.

Q. Where is your place of business?

A. On the Norwich Railroad, south of the Common, a short distance in the rear of Judge Allen.

Q. State to the Committee the business establishments which are situated on that route, from Park street to Madison street?

A. Commencing at Park street, the west side of the railroad, there are four large wholesale flour stores,—I think four, that brings it to our place. Beyond that is the large manufactory for looms,—Mr. Knowles'. Beyond that is a large carpenter shop of Mr. French's; and beyond that there are two or three others that I don't recollect.

Q. Is there a lumber yard between Park and Madison streets?

A. Yes, sir.

Q. Is the whole of that route occupied by business establishments, and are

they not all of them, or nearly all of them, occupied by business dependant upon the facilities of the railroads?

A. Almost entirely.

Q. Whether the removal of that track would greatly incommode or render it almost impossible to do the business done in those establishments, without those facilities?

A. With hardly an exception, those business establishments have been placed there on account of railroad facilities. The removal would damage them very much; and they would have to go where the railroad went, in a great degree.

Q. What is your judgment as to the wish of the people of Worcester, in regard to the retention of the Foster street depot.

A. So far as I have heard any talk, almost without exception, the people are in favor of moving the tracks, if it can be done, with no expense, and the facilities can be as good as they are now. But knowing that can't be so, they are almost to a man opposed to it, and in favor of retaining them as they are, with some improvement.

Q. As to making up trains on the Common?

A. Yes, sir.

Q. How as to the Foster street station, and Washington Square.

A. I haven't heard a man who is in favor of giving up that station.

Q. Your place of business is near the Madison street crossing. Do you object to this crossing?

A. Not seriously.

Q. How is it with those business establishments you have spoken of? Do the proprietors object to this crossing seriously?

A. They would like to have it remedied.

Q. You would like to have the Norwich freight station remain where it is?

A. Yes, sir.

TESTIMONY OF LUCIUS A. KNOWLES.

Q. (By Mr. Rice.) Your loom establishment is in Dr. Sargent's block, upon the Norwich and Worcester track?

A. Yes, sir.

Q. You have been a member of both branches of the Legislature.

A. I have.

Q. I will ask you, in your judgment, what would be the effect of removing the tracks, upon your business, and upon Worcester generally—what would be the effect of removing the track from Exchange street to Madison street, and from Foster street to the Square, and placing the depot down there?

A. I have always conceived that those establishments have all been erected where they are, entirely on account of their railroad facilities, and anything which would disturb that arrangement would be expensive, and interfere with the present business arrangements.

Q. What would be the effect upon the general business of the city?

A. Anything which disturbs the manufacturing interest is against the interest of an old New England city like that. In a new city you can disturb things, and they will grow into the ground again very readily; but in an old city the

manufacturing establishments, when disturbed, have a tendency to fly off and seek facilities which Worcester cannot furnish. It would be so with my own.

Q. In your judgment, it would be injurious to Worcester?

A. Yes, sir; and it would be to my business, which is situated upon the road where I need the cars every day.

Q. Where is your manufactory?

A. It is on Allen court, immediately opposite the Norwich freight depot, just south of Paak street, between Park and Madison streets.

Q. The removal of the tracks from the Common would not affect you at all?

A. Not if there were facilities for me to get freight around on to the northern roads as easily. Personally, I am only interested in getting tracks from all the roads to my works.

Q. The building you are in is a large, substantial brick building?

A. I think so.

Q. It is a permanent building?

A. Yes, sir.

Q. It is owned by Mr. Sargent and leased by you?

A. Yes, sir; it is a very fine building, built especially for that purpose, and is sufficiently permanent for my use at present. I hope not to have to move at present.

Q. What do you think would be the effect upon the public sentiment of Worcester, if the switching and making up of trains could be suspended upon the streets and Common; whether there would be any particular complaint in regard to the inconvenience of the crossings?

A. I don't know that I could tell what might come up then, but that seems to be the great complaint now.

Q. You think people would be satisfied don't you, if they could be relieved from that and retain Foster street depot?

A. I have heard very little expression in relation to Foster street depot. I have been so interested in retaining the facilities for the manufacturing and business establishments that I have heard little about the Foster street station. My interest has been in retaining the facilities for the heavy establishments that were built there on account of it.

Q. That remark extends to all the tracks, it is proposed to remove north and south?

A. I presume those that are interested in the other tracks have looked into that special matter more than I have. I have not thought so much in regard to the interests of other establishments, but that is the general situation of all the manufacturing establishments in Worcester, I should think, and I can conceive that my remarks would apply to all.

Q. (By MR. NELSON.) How long have you been a resident of Worcester?

A. Less than a year. I have done business there for five years.

Q. Suppose the track should remain at Park street, you would not be incommoded?

A. Not if there was some convenience for getting the freight from the Norwich roads around to my shop. I have no interest in a track across the Common, except for connection with the Northern roads.

Q. Suppose the Foster street station was allowed to remain; there would be no manufacturing establishments disturbed?

A. The Foster street station has nothing to do with those establishments of which I speak. We could take that depot down and go over the ground.

Q. Suppose the track was taken off of the Common, and the station allowed to remain; as I understand it, there would be no establishment disturbed?

A. There are none on the Common.

Q. There are none between Front street and the Foster street station?

A. There are none upon the Common, and the Foster street depot is immediately north of the Common, and my works are immediately south of the Common. There are no establishments between Mechanic and Front street that I know of.

Q. (By MR. ALDRICH.) If the tracks were taken up across the Common would not that at once break your connection with the Worcester and Nashua road, and interfere with your northern freight?

A. Yes, sir. I could conceive that they could build a track somewhere else around the line of the Common; but where it could be built, I have no idea.

Q. Provided the Legislature furnished a way for the exchange of the Norwich freight, it wouldn't inconvenience you at all?

A. It sometimes takes two days to get a car from some of the stations up to my place. If they were to be switched off on some other road and remain there, especially if it was freight that I had brought over a competing road, there would probably be more delay. If I am on the main line of the two where I ship both ways it is much more convenient, and there would be much less delay. My freight often gets left in the yard, or switched off where it gets on to roads not immediately connected with me and that occasions delay. I speak of it as it affects my own business, and I suppose it affects other business in the same way.

Q. If the Nashua track were taken up you would have to get on to the northern roads by a more inconvenient method than now, which would subject you to this inconvenience?

A. I have never seen any plan which would obviate it. There, possibly, might be one.

TESTIMONY OF JONATHAN C. FRENCH.

Q. (By Mr. Rice). You live in Worcester?

A. Yes, sir.

Q. You were a member of the Legislature a couple of years ago?

A. In 1867.

Q. What is your business, and where located?

A. I am a builder and have a concern where I manufacture, adjoining Mr. Knowles.

Q. Whether it is dependent or not upon this railroad?

A. The railroad helps me in a great measure, because a good deal of my lumber comes in the cars from the north, and I can run it right there at a great saving of expense. I bought there, and built there, because the track was there. I have a brick building and part of a wooden building.

Q. Should you have built there, had it not been for the railroad facilities?

A. No sir, I should not.

Q. What, in your judgment, is the sentiment of the people of Worcester

in regard to this change of depots; if the making up of trains on the Common and streets could be done away with, do you think they would be satisfied?

A. I think that would be generally acceptable, except with those that own real estate in the vicinity of the square. The traveling community would be satisfied much better if the making up of trains was done away with, so far as I have heard expression.

Q. Do you object to the Southbridge street crossing at grade?

A. I had rather have a crossing at grade than to go under a bridge as at the Boston and Albany railroad.

TESTIMONY OF STEPHEN SAULSBURY.

Q. (By Mr. Rice.) You have lived all your life in Worcester?

A. Yes sir.

Q. You and your father own a great amount of real estate there?

A. I own very little sir.

Q. In regard to your impression of the wishes of the citizens of Worcester, in regard to the retention of the Foster street station?

A. I think the feeling of Worcester has been determined almost entirely from the insufficient and unsatisfactory accommodations that have been afforded by the depots, and from the annoyance that has arisen from making up freight trains on the Common, and the street crossings. I think if the Legislature would properly regulate the matter of making-up the trains, and would determine what shall be the rules by which the railroad corporations shall be governed, that the objections that are felt by the Worcester people, would be obviated.

Q. What do you think then, would be the decision in regard to having things remain as they are, except with a new depot at Foster street?

A. I think it would make a great difference in what manner the vote was proposed to the city at the polls. If it was proposed as at the last vote we took, by stating one thing, and meaning another, I think the city might vote as they did before. But I think if the question was proposed clearly, the majority would vote in favor of retaining the Foster street depot. If they could not do it with the removal of the tracks on the Common, I think they would prefer to retain the tracks on the Common.

Q. (By Mr. Nelson.) You and your father own considerable real estate?

A. I own one small estate on Prospect street, behind the jail, near Washington Square.

Q. Your estates are in the northern and western parts of the city?

A. Yes, sir.

TESTIMONY OF WILLIAM DICKINSON.

Q. (By Mr. Rice.) You have lived in Worcester many years?

A. Yes, sir.

Q. And have been a member of the City Government, of the Board of Aldermen?

A. Yes, sir.

Q. (By Mr. Stearns.) You have heard the testimony of these other witnesses?

A. Yes, sir.

Q. Do you agree in what they have said?

A. I fully concur in what Mr. Saulsbury stated.

Q. Have you anything to add?

A. I own property, on the Boston and Albany road, which I think would be very much depreciated by the removal of the track.

Q. Between Foster street and the Square?

A. Yes, sir.

Q. You own a portion of this building that has been spoken of?

A. Yes, sir, 150 feet, fronting on the railroad just below the depot, adjoining Rice and Barton's establishment.

Q. It is the easterly portion of the large brick building?

A. Yes, in the easterly portion of the large establishment; I am so unfortunate as to own it.

Q. (By Mr. Rice.) What would be the effect of the withdrawal of the tracks from that line, upon your property.

A. I should esteem it a very great depreciation of property. I don't see how it could be otherwise.

Q. You think that a street running through there, as Judge Foster suggested, over the line of the road, would in any way compensate?

A. It wouldn't, unless they combined the railroad with the street, then I don't think it would be an injury, on the contrary I think it would benefit it.

Q. You mean a freight track?

A. Yes, sir, then it would be a double advantage; one more track than I have now.

Q. What, in your judgement, is the wish of the people of Worcester, as to Foster street depot.

Q. (By Mr. Stearns.) Do you agree with Mr. Saulsbury?

A. Yes, sir, I believe if we had a good depot we should have no trouble about crossing the common.

Q. When did this talk about the trouble of the railroad on the Common first commence, to your knowledge?

A. It has not been talked about seriously until within a few years. But some years ago Mr. Bond got up a plan of a bridge across Front street. (It was more years ago than I have heard mentioned to-day). And everybody scouted the idea, as I think everybody would now if they should see it.

Q. The population south of Park street, on the line of Main street, and west of Main street, where would it be best accommodated,—at Washington Square or Foster street depot?

A. Very much better at Foster street.

Q. And what would be the effect on property on Main street and west of Main street to carry out such a plan?

A. I think it would injure it.

Q. (By Mr. Nelson). You own considerable property on Main street?

A. I do some. I think it would injure my property very much indeed.

TESTIMONY OF S. R. HAYWARD.

Q. (By Mr. Rice). You have been a member of the Board of Aldermen, and are a boot manufacturer in Worcester, and your establishment is a large one, one of the largest in the city?

A. Yes, sir.

Q. Do you agree with what Mr. Dickinson and Mr. Mason said as to the wish of the people in regard to Foster street depot, and the tracks upon the Common and the effect of the removal upon real estate in the city.

A. Substantially.

Q. If you wish to make any modification make it?

A. I don't know that I do. We all understand that we can't have business without having the inconveniences which are necessary. So far as I have been able to judge (and I have been there 16 years), the trouble has arisen as Mr. Saulsbury states, more from the condition of the depots and the manner of making up the freight trains across the streets than from any other cause.

Q. (By Mr. Nelson). You voted "No" at the last election?

A. Yes, sir.

TESTIMONY OF DR. HENRY CLARK.

Q. (By Mr. Rice). How long have you lived in Worcester?

A. Twenty years.

Q. You are a large practicing physician, and ride about all the time?

A. Yes, sir.

Q. In regard to inconvenience sustained upon the streets and upon the Common, I will ask you, in the first place, if the inconvenience of crossing, on account of the passage of trains and making up of trains is greater on Front and Park streets than on Green and Grafton streets and Lincoln Square?

A. I don't think it is as great. I am oftener detained on Green and Grafton, than on any other streets.

Q. If these roads could be prohibited from making up their freight trains upon the streets and Common, what do you think would be the effect upon the talk, for the removal of the depot, and track upon the Common?

A. I think it would give general satisfaction, so far as I am able to judge.

Q. Do you suffer any inconvenience from trains in transit, or from freight cars being made up into trains?

A. Very little indeed from trains that are passing. Where there is a street with a great number of trains passing over, where they meet as they do on Green and Grafton streets, I am more likely to be detained.

Q. Suppose those trains were multiplied by the additional trains from the north and south, what would be the effect upon the ease with which you could pass those streets?

A. Those are great thoroughfares, and the inconvenience there, must be very great.

Q. Have you ever heard the opinion of physicians generally in your city, and if so, whether it agrees with yours on this point?

A. All those I have heard say anything upon this subject, I think are in favor of the Foster street station, and complain very little about the crossings. I know two or three of our physicians, of the most extensive practice agree with me.

Q. Whether you concur in the opinion stated by Mr. Mason, Dickinson, and Saulsbury, in regard to the sentiment of the people in this matter, and the effect the removal would have upon the the value of real estate, and business?

A. I have until within a few weeks, taken very little interest in this project. I have been surprised in my intercourse, with our citizens, that the sentiment is so strongly in favor of the station there. I think there is a strong reaction, if ever there was a majority in favor of its being removed, and that now the majority of the tax-payers and real estate owners are strongly in favor of the station, as it is, with some improvements that could be easily made.

Q. You think there has been a great reaction in public sentiment?

A. It seems to me so, sir. I am one specimen. I believe I didn't commit myself to either side for a good while.

Q. (By Mr. Nelson.) Don't you think there is a general desire to get rid of those tracks on the Common, if it is possible?

A. I think it all hinges upon that. If they could get the tracks from the Common, there would be no complaint. A great many want to get rid of the track, if it can be done, and I was in favor of it until I saw the inconvenience that must attend it, to the manufacturing interests of the city. That it mars the Common, there can be no question. A great many of our citizens desire to have the tracks removed from the Common, if it can be done, without changing the station, but yet involves a change in the station. I think they don't want it. They want better accommodations than they have now. That is one great cause of dissatisfaction, because we have felt that the accommodations were a disgrace to our flourishing city.

Q. (By Mr. Stearns.) Is it desired to improve the Common, or to get the cars off of the streets?

A. I think it is more a desire to improve the Common. I think more regard the Common as of importance than the streets.

Q. Your interests are west of this track?

A. Yes, sir.

Q. (By Mr. Aldrich.) Whether, if you think the Common can be made a very beautiful and ornamental place, until the city has removed its City Hall, and the school house, and until the old church has been taken off?

A. I don't see how it can be. It must always bar any attempt to beautify the Common, as long as they remain.

TESTIMONY OF DR. WORKMAN.

Q. (By Mr. Rice.) You have long been a practicing physician in Worcester?

A. Yes, sir.

Q. You have heard Dr. Clarke's testimony; do you agree in it?

A. I do, so far as it relates to the inconvenience of the railroad crossings in the city.

Q. Do you wish to add anything as to the danger of the railroad crossings?

A. I have considered the danger much greater on other streets than on Front street, or on Park street. I consider Grafton Street a more dangerous place, and one on which we have much more detention in crossing. Lincoln Square is another. Southbridge street is another place more dangerous than any other crossing in the city.

Q. About driving under a railroad bridge. How do you regard that compared with crossing at grade?

A. So far as my observation has gone in regard to passing under the Southbridge street bridge, it is much more unpleasant, and I always feel in much more danger in going under that bridge than I do at the other crossings on the street at grade.

Q. Did you hear about Mr. Ball, and our Highway Commissioner, getting thrown out there, the other day, by the horse taking fright?

A. I heard somebody got thrown out there.

Q. (By Mr. Nelson.) You are a large real estate owner on Main street?

A. No, sir, my wife has some property there.

Q. She owns half of the Lincoln House block?

A. The whole of it.

Q. That is nearly opposite?

A. Yes sir.

Q. You think this proposed change would injure the value of your real estate?

A. Yes sir.

Q. You think the removal of the Foster street station would injure your property?

A. I think it would very much.

Q. Suppose the Foster street station was retained for the Boston and Nashua business, and the tracks were taken off of the Common?

A. Then sir, I can't see, if the tracks were taken off of the Common, how the passengers would get from the Foster street station on the Nashua road without inconvenience.

Q. You voted "No?"

A. I did.

Q. This estate of yours is one of the most valuable in the city?

A. It is considered of value.

TESTIMONY OF DR. WOODWARD.

Q. (By Mr. Rice.) Do you concur in what has been said by Dr. Clark, and the other witnesses?

A. I have not heard the testimony of Dr. Clark.

Q. How is the crossing of Front street, as compared with the other crossings?

A. In my experience, no more dangerous than others?

Q. How long have you been a practicing physician in Worcester?

A. Twenty-two years.

Q. What is the danger from trains; in transit or making up?

A. The hindrance is from making up.

Q. Suppose that could be done away with upon the streets and upon the Common, what should you say of the inconvenience then?

A. It still would be an inconvenience, as other railroad crossing, across public streets necessarily are.

Q. In your judgment, what is the wish of the people of Worcester, in regard to the continuance of the tracks as they are, or of the Foster street station, if this making up of trains could be done away with?

A. The inconvenience would be much lessened. I was always in favor of getting the tracks off of the Common. I have never been in favor of removing

the Foster street station. If the thing could be done, and retain the station and get rid of the tracks, I should prefer it.

Q. Suppose you had got to get rid of both, or retain both?

A. I should be in favor of retaining both.

Q. (By Mr. Nelson.) Didn't your wife and sister-in-law get thrown out at Park street crossing?

A. A locomotive was left standing half way across Park street, and they were thrown out in endeavoring to drive by.

Q. Have you ever known of other collisions at other crossings?

A. Yes sir.

TESTIMONY OF P. W. TAFT.

Q. (By Mr. Rice). How long have you lived in Worcester?

A. Thirty-seven years.

Q. You have been a member of the City Government frequently?

A. Not of the Legislative department. I have been in other branches—on the School Committee, and have been an Assessor.

Q. You have been a member of the Legislature?

A. Three times.

Q. Have you been around among the people of Worcester considerable upon this subject during the present week?

A. I have.

Q. Did you spend a day in circulating the petition?

A. I did.

Q. I will ask you what you found to be the sentiment of the people in regard to the removal of the tracks and the Foster street depot.

A. Generally, there seemed to be a desire to get rid of the tracks on the Common unless some change could be introduced compelling the railroads to stop entirely blockading the roads by freight trains, and switching backward and forward as has been represented here.

Q. Well, suppose that could be done?

A. If that could be obviated they would be satisfied to have them remain, rather than have the Foster street depot removed.

Q. What is the sentiment in regard to the removal in any way to any extent of the station accommodations at Foster street?

A. I didn't find a great many in favor of its removal; very few desire to have the Foster street depot removed under any circumstance.

Q. Did you find evidence of a reaction?

A. Yes, sir.

Q. Can you state anything as to the amount of the reaction?

A. I could not. Some two or three years ago I had occasion to go over the same ground, and I found that people had got their minds made up that it was indispensibly necessary to have the tracks removed from the Common, let whatever would happen to the Foster street station. But when they found that the city would have to pay the expense of the removal they changed their minds.

Q. Whether ascertaining that the Foster street depot would have to be removed had any weight in bringing about this change?

A. Yes, sir; it was a very important consideration in affecting their minds.

Q. You assisted in circulating this petition day before yesterday?

A. Yes, sir.

Q. Whether that number of names could have been doubled or quadrupled in a little time?

A. I think it might without any trouble if there had been more time.

Q. When was it started?

A. I think Tuesday afternoon the papers were printed.

Q. (By Mr. Nelson.) How many names did you obtain?

A. I devoted but little time myself to obtain signatures. I think I got about a hundred—97 I think.

Q. Did you represent that the city of Worcester would have to pay the expense of the change?

A. Not necessarily. The question some times came up incidentally, who was to pay the expense in case the tracks were removed.

Q. Did you understand that was the proposition; that the City of Worcester was to pay the bills?

A. I didn't understand there was any proposition about it.

Q. Was it your opinion the city would have to pay the bills?

A. It was my opinion that, in case the Norwich road was forced to take up their track at the request of the City Government, they would have to pay the bills.

Q. You understand it is the opinion generally of these eight or nine hundred signers that the city would have to be at more or less expense?

A. I think so. I think at first the idea conveyed to them was, it would be no expense to the city at all. That it was a mutual arrangement between the city and the several railroad corporations, and would entail no expense whatever to the city. I found that opinion generally prevailing among the people I conferred with. I expressed the opinion that if the change was made by authority, and by the direction of the Legislature, it would cost a million dollars before we got through with it.

Q. Cost who?

A. Cost whoever paid the bills.

Q. Who?

A. In my opinion it would cost the city a million dollars to pay all the land damages, and the expense of rebuilding and relocating.

Q. How long a time were you engaged in the business of circulating the petition?

A. Three quarters of a day.

Q. Who employed you?

A. Mr. Tucker, or rather, I do wrong to say that, I received a notice from some source, that I was appointed on a committee to attend to this matter. It was a matter in which I felt a good deal of interest, and I very readily consented.

Q. A committee of the citizens?

A. Yes sir.

Q. You say you only took a portion of the day, of your own time, in circulating the petition?

A. That is all, sir.

Q. How many were circulated in the city?

A. I could not say.

Q. How long ago did you commence circulating it?

A. I gave some out Tuesday afternoon, and some Wednesday morning, they were generally returned Wednesday evening.

Q. Did you circulate the remonstrance that has been presented to the Legislature?

A. I carried one.

Q. How long were you engaged in that?

A. Probably two or three days.

Q. Who paid you?

A. Mr. Tucker paid me.

Q. You made the same representations to those people to whom you presented the remonstrance?

A. No, sir.

Q. Were not the signatures obtained by representations to signers that it would cost the city of Worcester a million of dollars.

A. I didn't hesitate, if a man asked my opinion, to express it. I think so now.

TESTIMONY OF BENJAMIN WALKER.

Q. (By Mr. Rice.) How long have you lived in Worcester?

A. 35 or 36 years.

Q. You own the ice business of the city?

A. I have one branch of it.

Q. You have a great many carts out travelling over the city all the time?

A. Some.

Q. What causes the principal complaint of inconvenience at the street crossings?

Q. (By Mr. Stearns.) Whether you agree with the other witnesses?

A. Dr Clark was the first man I heard.

Q. Do you agree with what you have heard?

A. Generally, sir.

Q. I understand there are several places where the railroads obstruct the ordinary roads in the crossings?

A. Yes, sir.

Q. (By Mr. Nelson.) Suppose here are two roads forking, and one obstructs travel here, and another there; whether, on the whole, the public convenience would not be promoted by throwing that obstruction all into one place.

A. That would depend entirely where it was thrown.

Q. Suppose the two places were equal in amount of travel, whether it is not better to have an accumulation of obstruction in one place, rather than have it divided into two? If you have obstructions enough to spread over a quarter of an acre, and have it fenced and gated so nobody can pass when there is danger, it would be safer than to have two left open.

A. I think two places open would be safer than one place, unless it was gated in that way.

Q. Wouldn't a place where the obstructions are doubled be more likely to be guarded?

A. Possibly it might.

Q. Where do you live?

A. Chestnut street.

Q. Have you been here since the hearing commenced?

A. I came in when Dr. Clark was on the stand.

Q. Generally, what witnesses you have heard testify live west of Main street?

A. I think they do.

Q. (By Mr. Rice.) How long have you been in the city?

A. In the neighborhood of 35 years.

Q. You have been intimately acquainted with the growth of the city and the business?

A. Yes, sir.

Q. Whether it is not, in your opinion, for the interest of the city to have these railroad depots and tracks in a different part of the city, rather than center them all to one part?

A. That has always been my opinion.

MR. TORRY stated that he had a number of witnesses present from the towns adjoining Worcester, whom he would introduce at this point, if the committee desired.

After consultation, the committee decided to accept Mr. Torry's statement of what the witnesses would testify to, in place of calling them.

Mr. Torry said, that the main object of calling these witnesses, would be to show that the question was one in which the towns in the vicinity of Worcester took a vital interest, and that the principal difference to those who signed the remonstrance, from those towns, was whether in visiting Worcester they should walk only a few steps, or to be obliged to walk a mile more or less.

TESTIMONY OF MR. KINNICUTT.

Q. (By MR. RICE.) You are President of the Worcester and Nashua Railroad?

A. I am, sir.

Q. I want to ask you to state to the committee the prospect in regard to the future of your road through Worcester, and its needs; whether you contemplate any immediate changes?

A. So far as the Worcester and Nashua Railroad is concerned, its business is growing rapidly all the time, and we are reaching out for other business. We are at the present time expecting to continue our road from Nashua to Rochester, from there to Portland, Maine, which will give us a direct line from Halifax, if you please, through Portland, Nashua, Worcester, and so on to New York.

Q. Whether you expect to run through trains?

A. We calculate to run through trains to Portland, and from there to the south. We have also just made an arrangement with the Boston and Concord, and Montreal, to run a through train the coming season from Lancaster to New

London, running through to New London every day, to meet the steamboat train and back.

Q. What will be the effect upon your business if such a plan as is proposed by the City Government here—Mr. Blake's plan—of coming down to Washington square?

A. I think that plan asks the Legislature to remove an inconvenience, and adopt something that is impossible to be done, as I look at it. So far as the Worcester and Nashua road is concerned, I think that the business could not be done.

Q. State anything in regard to the importance of a straight line through Worcester to you and to your business?

A. The Worcester and Nashua road are running express freight trains from the city of Nashua, and from the city of Lowell each and every day, to and fro. We have to run them with great speed in order to get them to the boat in season for the freight to be delivered in New York the next morning. That we are obliged to do. If we do not, then competition comes in and we lose the freight. The freight will go another way if we miss connections, which we should be likely to do if we were obliged to run according to Mr. Blake's plan, which might take fifteen or twenty minutes, or half an hour, or perhaps an hour or two hours more than now. You could not tell how much more time it would take; it would depend upon the passage of trains whether you could get across the tracks or not. If we had such delays we should lose connections, and could not get our freight into New York until twenty-four hours afterwards. A few such instances and we should lose our business.

Q. Would it be possible for you to retain your business and carry out your plans for the future?

A. We don't see how we can. We don't understand how we can.

Q. How about the difficulty and danger where your crossings are thrown, as they would be in this case, where another railroad does its principal business, has its passenger trains and freight trains; how would the danger and difficulty compare with the danger and difficulty of crossing at another place where they were out of the way, or where they were not making up their trains. Suppose you cross out of the way of their freight yard and their depot, how does the danger compare with the difficulty and danger of crossing where all are passing?

A. At our crossing at the Junction there is very little danger. We are where everything is open; where there are no streets; nothing but the two roads crossing each other. They cross nearly at right angles, and of course as it is the law that you shall stop the trains within 500 feet of the crossing there never need be any danger if that is adhered to, but to throw all our business down to Washington Square, where we shall be crossing all the time to and fro, we should be very liable to accident, and the safety of the trains would be very much hazarded.

Q. What do you think of the difficulty of crossing the streets, Green and Grafton, if the present incumbrances were added there!

A. My idea is, it would be almost continuous. You would have a train passing there, I think, every fifteen minutes of the day.

Q. How long have you been connected with the Nashua road?

A. About 12 years

Q. When did you first begin to hear this talk about the nuisance of tracks on the common?

A. In 1869, I think, the Boston and Albany railroad petitioned the Legislature for the right to discontinue the tracks from Washington Square to Foster street station. Before that, and even after it, the removal of the Foster street station wasn't alluded to—only the taking of the tracks off the Common—but it was very apparent that this would destroy the Foster street station. The Norwich and Worcester could not go there, and you must remove the station.

Q. Whether there was any objection to the tracks upon the Common, or any wishing for the removal of the Foster street station, up to the time of the consolidation of the Boston and Worcester and Western roads?

A. I never heard of it. I never heard of it from any one until the petition of the Boston and Albany road in regard to taking their trains off of the tracks. In 1847 the Worcester and Nashua did their switching across Lincoln Square, and there was a good deal of complaint of our doing so, and the directors of the Nashua and Worcester decided to remove their freight house back three or four hundred feet from the street, and since that, all their switching has been done principally at that station, and we have heard nothing as to any inconvenience, or that we had incumbered the street by switching. Our passenger trains sometimes have to stand across that street the same as passenger trains have to stand across Grafton street, but we intend to have our engines run further up the road, and have a platform built further up, so there will be no complaint on that score, and it can be done just as well with the other roads as with ours.

Q. (By Mr. Foster.) Your road agreed, as late as last September, to remove from Foster street station, provided it could make a profitable bargain for its rights there?

A. Our road in order to comply, as we supposed——

Q. Your road has agreed to it?

A. Yes sir.

Q. [Exhibiting newspaper to witness.] That article was prepared by some of your people?

A. I will see, sir

Q. The Treasurer of your road wrote that, didn't he?

A. I can't tell you, he must answer for himself.

Q. What was the vote?

A. [Reading.] Whereas, the Legislature of Massachusetts at its session, in the year 1869, passed an "Act in relation to Union Passenger and Freight Depots in Worcester;" that the President of the Worcester and Nashua Railroad Company give notice to the Boston and Albany, the Norwich and Worcester and the Providence and Worcester Railroad Companies, that the directors of the Worcester and Nashua Railroad Company are ready to make arrangements in accordance with the provisions of said Act with said railroad companies, for the location, establishment, construction and maintenance of a main passenger depot for the business, use and accommodation of all of said companies at such point in the city as shall be agreed upon by said companies.

Q. There is another vote there, is there not?

A. Yes sir.

Q. Be good enough to read it?

A. [Reading.] Resolved: Whereas, a large number of the citizens of Worcester are desirous of having the passenger depot on Foster street discontinued, and a Union Passenger Depot erected and established, and also, of the removal of the tracks across the Common—now therefore voted, That the directors of this railroad company, do hereby signify their assent to the making said change and of the removal of their track across the Common, provided they are properly compensated for the rights they now have in said Foster street depot, under a contract with the Boston and Worcester Railroad corporation, and provided suitable arrangements can be made for proper connections with other railroads for the interchange of freight.

I will say that the Worcester and Nashua has always contended for this exchange of freight. That has been the *sine qua non* with them. They must have it.

Q. You exchange freight with the Boston and Albany, without crossing the Common?

A. Yes, sir.

Q. Under that vote have you not given up everything in reference to the proposed removal of the depot at Washington square, except the mere exchange of freight between your corporation and the Norwich road?

A. We have voted and resolved, that we were willing in connection with the other roads, to do it, if it can be done.

Q. How many freight trains do you exchange with the Norwich road in twenty-four hours?

A. Two regularly.

Q. How many irregularly?

A. Say four each way.

Q. That is eight?

A. Yes, sir.

Q. You propose to keep the tracks across the Worcester Common forever to exchange eight freight trains?

A. We exchange with the Providence and Worcester.

Q. Is there any difficulty in exchanging with the Providence and Worcester in the same way that you do with the Boston and Albany?

A. Yes, sir.

Q. Why?

A. Because we can't get there. We shouldn't strike their road at all.

Q. If you had the right of way, is there any more difficulty in exchanging freight with the Providence and Worcester without crossing the Common, than in exchanging with the Boston and Albany; provided you had facilities of legislation to get a connecting branch?

A. No, sir: we could also, with the Norwich and Worcester, if we could get such legislation as we wanted.

Q. With such legislation as would enable you to connect with the Providence and Worcester, and the Norwich and Worcester as you now do with the Boston and Albany, you can take your freight off of the Common?

A. Yes, sir.

Q. You have agreed to everything except the interchange of freight with the Norwich road, and the price; you have agreed to a Union depot; to removal of the tracks from the Common, and to everything except this matter of the exchange of freight, and the price you are to be paid for your interest in Foster street depot.

A. If it can be done to the satisfaction and convenience of the Nashua road.

Q. Was that vote unanimous?

A. I think there was no dissenting vote.

Q. Were all of the directors there? Was Mr. Dewey there?

A. Yes, sir.

Q. Was Gov. Bullock there?

A. I believe he was.

Q. Mr. Saulsbury?

A. I think so.

Q. Who else?

A. Mr. Fisher and Mr. Lawrence; there might have been others there. There was a majority of the directors there.

Q. There was no opposition to that vote?

A. No, sir.

Q. Don't you know that that article, with these statements and resolutions was prepared by your Treasurer as a statement of the position of the road?

A. He did prepare one.

Q. Is that the one?

A. I can't tell. He is here himself. He will state it if he did.

Q. You say in this vote "that the Directors of this Railroad Company do hereby signify their assent to the making of said change, and to the removal of these tracks across the Common, provided they are properly compensated for the rights they now have in said Foster street depot, etc." What other compensation did you expect from the Boston and Albany except the payment of a money price?

A. We calculated to have a connection with the Boston and Albany, Norwich and Worcester, Providence and Worcester, without paying a dollar.

Q. When you use the language "properly compensated for the rights they now have in said Foster street depot," did you mean to include the arrangements with the other roads?

A. Yes, sir.

Q. You speak here of suitable arrangements being made with the other roads for the interchange of freight. What was the arrangement you mean?

A. I thought it possible that (if it was thought best) we might go over the sewer, nothing else. This sewer business is my own. I pointed that out three years ago, but we might possibly get round it.

Q. You think you could?

A. I think we could, but at great expense and at great risk.

Q. When you get up your eastern connection will not the business going across these streets be very much increased?

A. Yes, sir; but it has got to go somewhere.

Q. In what proportion has the traffic of your road increased in the last ten years?

A. The business must have increased one hundred per cent.

Q. Isn't it likely to increase one hundred per cent. in the next ten years?

A. That will depend upon whether the Legislature grant railroads to take away all our business.

Q. Suppose you have all the business you now have?

A. If we are not tapped, it will increase. It cannot be otherwise.

Q. You say here, "provided suitable arrangements can be made for proper connections with other railroads and the interchange of freight." Have you been able to make suitable arrangements with the Boston and Albany railroad?

A. No sir; nor with the city. Mr. Blake wouldn't hear to it.

Q. In what interview with Mr. Blake, and with the Boston and Albany railroad, was this plan pointed out by you, of having the tracks cross the sewer there, and was that rejected by them?

A. It was rejected. I can't say it was ever rejected by anybody but the city. The roads all knew of this, and we never came together on that.

Q. During this year, have you had a consultation where the city was represented, in which that was brought up again?

A. Yes sir.

Q. (By Mr. Rice.) Did you ever, at any time, either before or since this vote, have any idea you could make this connection over the freight grounds at Washington Square, over the Boston and Albany, as proposed by the city?

A. We never have supposed we could go there with our freight. We have supposed we could go with our passengers, but our freight could not go there.

Q. Did you consider that you were making a great sacrifice, and submitting to great inconvenience in taking your passengers there?

A. We did so, and you will find another vote was passed by our road, that we were willing to sacrifice the depot, to keep our tracks across the Common. That is the last thing we can give up. We will part with everything else, before we will part with the tracks across the Common for freighting purposes?

Q. Whether you do not think if the making up of trains were abandoned on the Common, and upon the streets, the present route would be a less inconvenient, and more practicable route through the city, than to go over the sewer?

A. I do and as I have said before, the mere transit of these trains is nothing at all. These trains in crossing the Common, when in transit, are not over one minute in passing any spot.

Q. (By Mr. Nelson.) You speak of the city government having refused to sanction the crossing of Front street. Is not that a grade crossing?

A. Yes sir.

Q. How they ever refused to allow you to cross by a viaduct?

A. No sir.

Q. So that the crossing that the city rejected, was a crossing at grade?

A. Yes sir.

Q. You never had a conference with them as to a viaduct?

A. No sir. But my opinion about a crossing upon a viaduct is, that there is more danger than with a crossing at grade.

Q. Suppose it was protected by a parapet and the sound deadened.

A. I don't know what effect that might have, but this noise, this rumbling over the head of a horse, is worse than his facing an engine, or anything else.

Q. There is nothing in the pecuniary condition of the Nashua road that would prevent this change?

A. Yes, sir, I think there is.

Q. The stock sells for fifty per cent. advance.

A. It sells for more than it is worth.

Q. Do I understand you, you wouldn't agree to take up your tracks on the Common; that you wouldn't voluntarily make any arrangement?

A. No, sir, I don't think you could present a route to us that we would voluntarily take up our tracks on the Common for. I don't mean by that that the Worcester and Nashua wouldn't come to an arrangement with all the other roads. I mean to say it would be impossible for us to do our business with facility and safety, (as we do it now,) if we take our tracks up and put them any where else. But if we are obliged to take them up, the next best thing is over the sewer.

Adjourned to three o'clock.

Committee met pursuant to adjournment.

Mr RICE. I wish to put in a single fact, and that is, that the location of Foster street depot was originally purchased by a contribution of the citizens of Worcester for the purpose of having a depot there.

TESTIMONY OF MR. TURNER.

Q. (By Mr. Rice.) You are superintendent of the Worcester and Nashua road?

A. Yes sir.

Q. You were formerly connected with the Norwich and Worcester;

A. Yes, sir.

Q. You have had large experience in Worcester in this matter of exchanging freights and making up freight trains.

A. Yes, sir, some eighteen years.

Q. Whether you agree with the testimony that Mr. Smith gave, the other day, and which Mr. Kinnicut has given to day in relation to the impracticability of doing your business and making your connections according to the plan submitted here?

A. I do, fully.

Q. Do you think of any thing else in that direction, other than what has been said?

A. Nothing, unless the committee wish to see it practically demonstrated, how it would effect the work; if so, I will explain it as well as I can. What I wish to illustrate is, the manner of getting the cars from Lincoln Square to the Norwich and Worcester road. I will locate their freight department there, [Indicating on the plan.] We now start from here, and our trains follow this line and run directly from this point to that point there, and the cars go back in the same direction. If we were going to the Providence and Worcester road we should take the same route down here, follow down the easterly track, and leave our freight about there. That is our present mode of doing it. In case the plan should be adopted, which has been spoken of here, we should start from here, run off in this direction, run down here to some point, perhaps here, on the Boston and Albany road, and then leave it. We have a rule between ourselves that we shall not go on to each others

tracks with our own engines, therefore we should leave it here. If that freight were destined for the Norwich road, the Norwich road would have to send an engine from this point, crossing over the Boston and Albany road, running up here to this point where we leave it, and take it and then it must come back in this direction up here to their freight grounds, where they arrange it and get it ready to send it out. Their tracks and depot head-quarters are there. Most of the trains that we run have mixed freights. They contain freight for New York, Norwich, and perhaps every way station on the road, for all the small stations, and some on the Fishkill road perhaps, and the freight has to go to some point where they can get to a platform and depot and sort it up putting the New York freight into one car, and the Hartford freight into another, and so on.

Q. You mean that the freight train, after it leaves your yard, is made up again by the Norwich road ?

A. Yes, sir, the common custom is for the road that is delivering freight, simply to get the cars together, and get the freight in those cars, without any regard to the destination. If we are delivering freight to another road we don't take the trouble ourselves to sort it ; we don't know as well how to arrange it as the road that receives it. We deliver it promiscuously. We don't sort it out, as the other road does after it receives it. We can't do it as well. We don't know their arrangements so well.

Q. Would it be possible for the trains, as they leave your yard, to go over the Norwich road without being worked over and rearranged in the manner you have stated ?

A. Not without the Norwich road would send their men to our premises up here and direct how it should be made up, which would be contrary to the usual custom.

Q. What would prevent them from doing it ?

A. They would have to keep a gang of men there all the time.

Q. They would have to have their books there ?

A. Yes, sir ; it would not be an economical arrangement. In taking this route you see you follow around this direction and then when you get around here you turn the train around and the engine is heading to Boston, while when it started it was headed here. A good many times we have more or less cars, that it is more convenient to have on one end of the train. For instance, carriages covered as they usually are should be kept in the rear of the train to keep from catching fire. Live stock should be in the rear so as to be in less danger in case of collision.

Q. Your freight crosses the Boston and Albany at the Foster street station and again at the Junction ?

A. No, sir ; not at the Junction. We cross here at this point [indicating on map.]

Q. It would cross it to go to the Sound ?

A. Yes, sir.

Q. By this plan it would have to cross three times would it not,—once at the Square and again to go back to the Norwich freight grounds ?

A. Three times before you get back here, besides once that your engine would cross to go for it.

Q. How many crossings would there be?

A. Your engine starts from here for the train. We should not cross there. The engine comes from the Norwich premises and crosses here, then goes up here and crosses over to get the train from where we left it: that makes twice; then we go back with the train—three times; down here they cross again, making four times; then they would back their train up here—five times, and in doing this you turn your train around here. You would have to go up here with your engine and hitch on to this end of the train; then you must back your train up over these streets contrary to our rules. We do not consider it safe.

Q. Is there a great increase of danger in backing trains?

A. Yes, sir; we don't do it if we can avoid it.

Q. (By Mr. Nelson). How do you deliver the freight now,—that you deliver to the Boston & Albany; what is the difficulty of delivering this freight that you speak of, greater than that of delivering to the Boston & Albany?

A. It makes no difference with us, so far as we are concerned, because we now come down here to the Boston & Albany, and leave it on the side tracks in this vicinity, and then they take it. As we are a part of the through line, we should object to any delay here.

Q. You mean to say that all the freight cars would have to be carried up to the station on Park street.

A. Unless they should move their head quarters down here. It is very important that you have these trains made up at your head quarters. You must have your men there, and your bills there, which always go with the freight. The freight is governed by the way-bills that go with it.

Q. What is the real necessity of doing that if they are loaded at the point they start from,—the through freight?

A. If it is a car loaded wholly at one point to go to another place, there is no necessity of overhauling the train, except to get it out from among the other cars promiscuously loaded, and make up the train. We get all kinds of freight in one train.

Q. The same inconvenience would be experienced in the delivery by the other road to you? Your freight goes everywhere from your yard, and you are obliged to make up the trains?

A. Yes, sir, we are the only road that runs North, and the inconvenience would be just the same.

Q. What would be the consequence of the delay and inconvenience that would be added to you in making this connection from this plan in regard to doing your business?

A. It is so impracticable; so unlike doing business; so different from the way a railroad man would think of doing business economically that I can hardly conceive of doing it in this way. It can be done; you can do anything, if you undertake it, but it is not practicable, and it takes very much longer. It would take twice the number of men, and twice the number of engines to accomplish the same work.

Q. In regard to the road over the sewer, would that be preferable to this?

A. Anything would be preferable to that.

Q. Would that be as good as what you have now ?

A. No, not as good, although it would be better than coming down here, because here we should come around directly to some point that we might agree upon.

Q. Why would not that be as good as the present plan ?

A. It would not make the difference with us that it would with the Norwich road.

Q. Unless you shifted there, all the work would have to be done around two sides of a triangle ?

A. Yes, sir.

Q. In regard to the passenger trains, you propose, I understand, to run cars through from North to South. How would they find themselves at Washington square ?

A. They would take the same road, come around here, and we should then pass down here, and the train would be headed for Boston, and the rear car would be here, headed for New York.

Q. Is that a desirable state of things ?

A. No, sir, very objectionable. Baggage cars are always run forward of passenger cars.

Q. Then the Front street route does not make any difference so far as passengers are concerned, upon the assumption that we are to have a Union depot ?

A. Then we should run straight into it.

Q. If the depot were at Washington square, you would be reversed ?

A. Yes, sir, we should run up here, and be reversed. It can't be done otherwise.

Q. Suppose you took your freight over the sewer and the Union Depot,—your passenger depot,—was at Foster street ; but your road to the Junction was over the sewer, how would your passenger cars be then ?

A. In that case it would be the same as it would be here.

Q. Would be reversed ?

A. Yes, sir, we couldn't come in here ; that is unless you put the depot here, so as to run directly through, and in that case you must run over the common.

Q. I mean giving that up ?

A. That can't be done without turning our trains.

Q. Has there been a plan for a depot upon Foster street, a little to the rear of where it is now, through which the trains from Boston would pass without backing, and also your trains ?

A. Yes, sir, there would be no difficulty in running it through.

Q. (By Mr. Nelson.) Where does your location start on the branch that runs down to Washington Square ?

A. I think it extends a little from Summer Street—about to Shrewsbury street.

Q. Where does your location terminate near the Foster street station ?

A. In the depot. We run into the depot on our own land.

Q. You run your train over the curve outside of the depot ?

A. Yes sir.

Q. Where does that stop ?

A. We have an arrangement with the Boston and Worcester road.

Q. I refer to your filed location?

A. [Indicating on plan.] I should say about here. Mr. Kinnicut says our location does extend over this curved track.

Q. At what point does that location stop?

A. A little south of the Boston and Albany track.

Q. There it connects with the Norwich road?

A. Yes, sir.

Q. You were speaking of your through passenger trains. Would there be any difficulty other than this, to have your passenger trains run across that cut off, and have the Worcester stoppage at the Junction, at Lincoln Square?

A. No trouble about that.

Q. If the station were where Mr. Joseph Mason spoke of, that would be a very good arrangement for your passenger business, wouldn't it?

A. I don't know that it would trouble us at all. The public would have to decide about that.

Q. (By Mr. Stearns.) Your location connects you with the Norwich and Worcester?

A. Yes, sir.

Q. You have a contract by which the Boston and Albany are bound to provide you with these curved tracks?

A. There is a strip of land formerly owned by the Boston and Albany, that was decided to us in the arrangement that was made with them, giving us a connection with the Norwich and Worcester, and we have the same right that we have anywhere on our road.

Q. You never have filed a location on that, have you?

A. I am not aware of that. I don't know how that is.

Q. (By Mr. Foster.) You know where the Nashua railroad crosses the Boston and Albany, near the Foster street station; can long heavy freight trains stop there?

A. Not easily.

Q. They can't comply with the law?

A. No, sir.

Q. Habitually the law is not complied with at that point, and never has been?

A. I really don't know what that arrangement is. I understood there was an agreement between the Boston and Albany railroad and the Worcester and Nashua—and as I understood it then, the railroad commissioners—that they might cross without stopping. Both roads have done it until within a week. I understand the Boston and Albany have continued.

Q. As your road is situated, and the Norwich road is situated, don't you habitually use Front street, Mechanic street, and the Common for making up your trains?

A. No, sir; no man can say we do.

Q. Does not the Norwich road?

A. I don't know.

Q. How many years were you on that road?

A. Sixteen years.

Q. Didn't they use Mechanic street, and Front street and the common, for their switching ground all that time?

A. They used Mechanic street a great deal. Front street some, but the common wasn't used so much as a switching ground.

Q. Didn't you use it a great deal besides passing trains across?

A. Not very often, occasionally.

Q. Can the Norwich road get along without using Mechanic street as their switching ground?

A. They can't make up their trains at the present depot without switching, more or less, over Front street.

Q. And over Mechanic street?

A. Occasionally.

Q. When they have a long train they have to do it?

A. They do it in this instance, [indicating on plan.] The steamboat train from Boston is coming up to come into the house, back in here, and they have to run up over Front street, and their engines come as far as that on the common; then they back in here and come up in this direction. That would not be necessary if the depot was located here, where it should be. Then they would not run up there, but would stop.

Q. They have habitually done it?

A. Yes sir.

Q. A good deal has been said about the trouble the roads would be put to in carrying through freight from the North to New York; in consequence of the great amount of time taken by the cut-off, or by going down to Washington Square; how much longer would it take?

A. That is very uncertain.

Q. Can't you tell how much delay it would occasion?

A. No, sir, nor no other man.

Q. Can you give an estimate?

A. No, sir, I can't give an estimate.

Q. Whether it would take five minutes or half an hour?

A. Anywhere from half an hour to two hours. Because when you get down here, you come in contact with all the trains of the Boston and Albany that may be here at this time, and when you cross back you would have the same difficulty, and have the same trouble here at the Junction again.

Q. If you had the right of way across the Boston and Albany, do you mean to say your freight trains would be delayed?

A. That would make no difference.

Q. Mr. Smith's estimate was fifteen minutes?

A. Yes, sir, I heard him. It would not make any difference if we had the right of way, any more than in the case of a man in the street who gets into a crowd and can't get out, and you would find it so.

Q. What time does the freight train start from Nashua, that is to be so delayed?

A. Quarter before five in the morning.

Q. It is made up the night before?

A. Yes, sir, partially. We get some freight from the north at about that hour.

Q. What difficulty is there in starting half an hour earlier?

A. You might start the day before. I will tell you why we don't start at a different hour. We wait until that time because we connect with a train that arrives there about four o'clock, and we make allowance for that train getting there.

Q. Is there any difficulty in getting over that delay by starting your train a little earlier?

A. I don't know.

Q. You are a railroad man?

A. That train starts from Montreal. If you traced it back you might ask them why they didn't start earlier.

Q. If your train starts a half an hour earlier you could get over this delay?

A. Yes, sir; but we have to make some allowance for the trains being late. We make a half an hour's allowance and we miss the trains frequently, making that allowance.

Q. What train do you mean?

A. The trains from the north.

Q. What time do you get to Norwich and load your freight on the steamboat?

A. It leaves Worcester about 12 o'clock.

Q. What time does it get to Worcester?

A. We get to Worcester with this particular train between eight and nine in the morning, and it leaves Worcester about twelve.

Q. You have three hours and a half to get across the city. Don't you think you could spare that half hour if it was to accommodate this population of 40,000 souls?

A. This train is made up from all points, and has to be overhauled.

Q. You have three hours and a half to cross the city and get on to the Norwich road. Do you mean to tell the committee that it is a serious impediment in the way of this great improvement that it is going to take a half an hour more time when you have three and a half hours?

A. Yes, sir.

Q. How do you occupy this three and a half hours?

A. In overhauling this train and getting it ready to send forward.

Q. How long does it take?

A. Different lengths of time. No road can tell how long it will take.

Q. How many of your cars have mixed freight?

A. That is just as it happens.

Q. Usually?

A. Three-quarters of them; frequently all of them; sometimes not half of them.

Q. They have all got to be unloaded and loaded in Worcester, and changed from one car to another?

A. Yes, sir.

Q. I thought it was through freight you were so anxious to dispatch?

A. You must understand through freight and local freight, and freight from all points is frequently mixed up in the same train, and frequently in the same car.

Q. What time does the train get to New London?

A. It gets there, I should think, perhaps half-past five. The second train gets to the boat perhaps about nine o'clock.

Q. Which is the express train?

A. They are both express trains. One starts at 12 from Worcester and the other one about 4.

Q. The one that starts at 12 gets to Norwich when?

A. From half-past five to six.

Q. The one that starts at four?

A. That goes to New London and gets there about nine.

Q. What time does the boat leave New London?

A. About 10.

Q. Does this go on the passenger boat or propeller?

A. Passenger boat.

Q. As to your last train, do you have as much time with that as you have with the other?

A. Our second train gets into Worcester at half past one. That is situated worse than the other if possible, because it is more of a local freight.

Q. (By Mr. Rice.) Do you now have any more time than you need to do your work; your re-arrangement of these trains in Worcester, and getting them to the Sound in season for the boat?

A. No sir, we are frequently complained of, because we don't get to the Norwich road, in time for the connection.

Q. Is it very essential in order to do your business satisfactory to your customers, that you don't fail to make that connection?

A. It is, because we have competition, and if we fail to make the connection, we lose our freight.

Q. What time does the boat get to New York.

A. Four o'clock in the morning.

Q. Does it make any difference whether it reaches New York at four or half past?

A. No, sir.

Q. Do you say it is impracticable to save that half hour between Norwich and New York?

A. I suppose it would not make any difference if we didn't get into New York, so far as that freight is concerned, for an hour after that, but the boats are subject to the same delays that our railroads are, and they can't make their connections south if they are much behind the time they now make.

Q. Is this freight transshipped to southern ports?

A. Much of it is. I speak of passengers when I speak of southern connections.

Q. Are you obliged to give up all business when this second freight comes in, in order to get through in season?

A. It is our first business. It is with all roads, to take care of trains when they come in, and get them ready to send forward. Perhaps I should have said one word in regard to this time it takes us. At this same time we have a train to make up for the Norwich road, we have another long one to make up for the Providence road. They are both for New York and local

stations, and we are at work at the same time on both trains. Both have New York freight, and both have local freight to all points you can imagine.

Q. You speak of this train leaving Worcester at 12 o'clock. Is not that a time in the day when there would be the least inconvenience and interruption from passenger trains on the Boston and Albany railroad?

A. I think it is.

TESTIMONY OF PRESTON ANDREWS.

Q. (By Mr. Rice.) You confirm what Mr. Turner has said?

A. Entirely.

Q. Have you anything to say in addition?

A. One thing it strikes me that he didn't properly explain, in reference to the arrival of the boat in New York. It is absolutely necessary that the boat should arrive very early in the morning, in order that the freight should be unloaded and the freight that has accumulated on the dock should be run on to the boat. The accumulation of freight on the dock begins as soon as it is light. The truckmen having charge of this immense freight business, want to get rid of it as soon as they can, and it is necessary that we should arrive with the boats at as early an hour as possible. The first freight leaves Worcester at half past twelve. That arrives at Norwich at ten minutes of five. We have ten minutes to inspect cars. It leaves at five o'clock for New London, and arrives at 5:45. There is a train following that on the New London and Northern road, which we must work very sharp to get out of the way of, because if we were late, they would crowd us out. This train leaves Worcester, at 4:15, and often times later than that, and leaving on time, we have to run eighteen miles an hour, to make our time to New London, and a great many times as fast as ten miles an hour to get to the boat. We have then an hour and a half to dispatch anywhere from forty to fifty cars of freight and get it on board of the boat.

Q. Have you any time to lose?

A. No, sir; it is essential that the steamboat should leave as soon as possible after the freight is on.

Q. You agree with Mr. Turner, that it is impracticable to make up this ten minutes or half an hour between Norwich and New York?

A. Yes, sir; he has explained it here. I think an hour would be nearer the point.

MR. RICE presented a bill made in accordance with the statements in his opening argument, and representing the wishes of the petitioners; providing for the enactment of the passenger depot at Foster street and the discontinuance of the use of the streets for switching and making up trains.

TESTIMONY OF MAYOR EARLE.

Q. (By Mr. Nelson.) Will you please state to the Committee whether from your opportunities of observation there has any change taken place in the public sentiment of the people of Worcester in regard to the removal of the tracks from the Common since the vote of the people last December?

A. I should think not any material change. I have known of a few instances where they have come round for certain things that have taken place.

Q. State in regard to what has effected any change?

A. I think the great effect produced upon the citizens,—some of the more cautious ones—has been because it has been represented to them that if this expense was gone into by the railroads it would all devolve upon the city to pay it. It has been represented at from one to two millions,—never less than five hundred thousand dollars that the city would have to pay.

Q. You think whatever change has been made in the public sentiment has been effected by representations of that kind?

A. So far as it has come to my knowledge it has been made in that way?

Q. What, in your judgment, is the public sentiment of the city now in regard to the removal of the tracks from the Common?

A. I am constantly accosted in the streets and everywhere I am with a strong desire that if everything else is conceded, that must be had; the tracks must be taken from the Common. Probably no one has more said to him about it than I have in my position.

Q. What is the opinion in regard to the Foster street station?

A. The Foster street station is looked upon as of less importance than it was at one time, and the feeling is that, if that remains there, we shall have the same difficulties that we have lived under for the last twenty-five years, and not have any fixed policy by which the city can arrange its streets, or do anything to relieve the present incumbrances we are living under.

Q. Has there not been a feeling in our community, a belief that there was going to be a great change in our railroad depots?

A. Yes, I think there has all the time.

Q. Do you think that has made any effect on business and the value of real estate?

A. Whatever it may be there is no place in Worcester but that real estate is high enough, and too high for the benefit of the place. It checks its growth, checks its prosperity, and I don't think there are many cities where the value of real estate all over them is any more equal than it is there, except in some places extravagantly high.

Q. Do you know the opinion of our former Mayor on this subject, Mayor Blake?

A. I was not, perhaps, as conversant with him as many other men on this subject. I never saw his full plan until after his decease. I was away two or three months before his decease and at the time of his death. There was one statement brought in here that \$98,000 had been assessed upon the people who are represented as remonstrants. I wish to compare that with the whole tax of the city. The whole tax of the city was \$613,000. Then there was another thing that struck me as a little remarkable this morning. Every witness that was examined, or almost every one, (there was a single exception, I believe,) was from the West side of Main street and on the North side of the Western Railroad,—a very local representation it seems to me.

Q. What was the single exception?

Q. The single exception was Mr. French; his business is on one side of the railroad and his house on the other.

Q. You live upon the East side?

A. Yes, sir.

Q. All your business was done at Washington square?

A. Yes, sir, I have been to the Post office and back every morning, and when I have started I have been over the Nashua road, if I could get over.

Q. You own the block on the side of the road towards the Post office with Mr. Pratt?

A. Yes, sir.

Q. Your factory was on the other side?

A. Yes, sir.

Q. You had to cross Grafton street to come from one to the other?

A. Yes, sir.

Q. Where did you find the most difficulty in crossing,—Grafton or Front street?

A. There is difficulty at all the crossings.

Q. Where the most?

A. The most dead lock would be between Lincoln square and Exchange street. Then, often in going round to get to the Post Office, I would be blockaded on Front street, and would go round to Park street, and by the time I got there would be a blockade there. Then I would go to Green street, and be blockaded there. If anybody has lived there and seen more of it than I have, he has seen a great deal. My idea is that if we can get the roads concentrated, we can take care of the travel in some form or other.

Q. In regard to real estate, is it not your observation that the price of real estate is an indication of the prosperity of a place? As a place prospers, does not the value of real estate increase?

A. I suppose that is anybody's observation.

Q. Yet you wish to have it depreciate in Worcester?

A. I say it is too high for the best prosperity of the city. Anybody will say that who wishes to increase the population.

Q. Would the citizens of Worcester be willing to bear any considerable proportion of the expense to the Norwich and Worcester road of making this change of location?

A. Why especially the Norwich and Worcester?

Q. Because the expense to the Norwich and Worcester is the greatest of any of them.

A. I am not prepared to say. I am not lawyer enough to know whether they would be obliged to pay it.

Q. Would they desire these changes, if the city was to contribute any considerable portion of the expense?

A. From my observation they would do anything that was for the general comfort and safety and benefit of the city.

Q. If the city was to bear any considerable portion of the expense would they desire these changes?

A. I think they would be willing to arrange in making the streets comfortable.

Q. Would they be willing to arrange it at any considerable expense to the city?

A. I can't tell that, but my opinion is they would be willing to assist to a certain extent in making things comfortable. I have acted with this in view all the time, to make the matter a matter of compromise and convenience to

the citizens. I don't feel that I am acting in antagonism to these railroads. It is not my interest nor the interest of the city to do that. I am placed where I am, and feel it is my duty to do all I can to relieve the city from the position in which it is placed by all these railroads. I make no exception to them.

Q. You say there has been no considerable change in public opinion? You had a discussion in your Board of Aldermen the other night?

A. Yes, sir.

Q. Which continued until midnight?

A. After the Council had dissolved and was gone it was introduced.

Q. It failed to be carried;

A. It failed to be carried because the other house was dissolved.

Q. You think if the other house had been there some of those who voted against it would have voted for it?

A. I know they would. It would have been voted and gone into the other department.

Q. So they voted against their judgment?

A. They didn't vote at all. If the other house had been in session, I should have voted, and other men would have voted, and it would have gone into the other department.

Q. You understand the Mayor has a right to vote in the Mayor and Aldermen?

A. I think very likely he has. I do not profess to be a parliamentary man.

Q. In your opinion, will the value of real estate west be lessened by this change?

A. I am a large owner in the west, and I have no fears for the real estate there. I own a number of dwelling houses west of Main street.

Q. All your business real estate is on the other side?

A. Part of it is south of the Junction; part of it is near the Junction and Square.

Q. Is it claimed by the people, in any part of the city, that if the Foster street station were discontinued they would not have reasonable accommodations?

A. My belief would be that if there was a junction depot anywhere, the horse railroads would accommodate them better than they are now.

MR. NELSON. We have a large number of witnesses who were called to testify in regard to this matter, and who will testify substantially as Mr. Earle has testified in regard to the public sentiments of the city. It would be repetition to a very considerable extent. Their testimony would be to the effect that the public sentiment still remains as indicated by that vote, and that the value of real estate on Main street would not be substantially affected by the change.

MR. STEARNS. We will take your statement to that effect, instead of hearing the witnesses.

TESTIMONY OF PHINEAS BALL.

Mr. Ball exhibited and explained a profile plan of the proposed track on a viaduct over Front and Mechanic streets, showing the grades. From Exchange street, going south, the grade is one foot in a hundred, crossing

Bridge, Mechanic and Front streets, to a point sixteen feet above Front street; from this summit south, the grade is thirty-seven feet to the mile. There the grade is heavy, the curve is light, and where the curve is heavy the grade is light, and it is a better working line than the other. The grade from Exchange street to Bridge street is the same as from Exchange street to near Foster street, but while one is nearly a straight line, the other is upon a curve of 537 feet radius, and runs out upon a reverse curve of a little less radius than 500 feet. Starting at Exchange street, the line by the way of Front street is 533 feet further than by way of Foster street station.

Q. Have you made any estimate of the expense of building that?

A. Not a dollar.

Q. Can you give any idea of it?

A. After I had levelled it the first time I ran through an estimate hastily, and made up my mind that the construction account would not exceed \$150,000.

Q. Without taking anything into account for damages?

A. I added \$53,000 for damages in that estimate.

Q. That would make \$203,000?

A. No sir, that is included in the \$150,000. That does not include any high parapets on the side.

Q. That includes the iron for the tracks?

A. Yes sir.

Q. But nothing else?

A. Nothing else.

Q. Would it give iron bridges?

A. Yes sir, iron bridges.

Q. You say you include the \$53,000 in the \$150,000?

A. Yes sir.

Q. That covers the whole—construction and land damages?

A. Yes sir, I estimated no land damages north of Front street. Why I said I had not made an estimate was because that line there should be more carefully located. I think it can be done as cheaply over that line as down there.

Q. (By Mr. Aldrich.) How would the construction of this new track over this viaduct, which you have described there, relieve the present track of the Worcester and Nashua road, which runs down to and joins the Boston and Albany?

A. It runs up in a pretty heavy grade from Bridge to Summer streets, and the grade would have to be changed so it would run down to Summer street, instead of up as it now does. There is room to make it run down without making a harder grade than from Bridge to Exchange street.

TESTIMONY OF D. WALDO LINCOLN.

Q. State how your passenger trains run during the hours about noon?

A. I find there is but one passenger train over the Boston and Albany, between 10 and 1.40; only one, in fact between 10 and 3.30. If the Norwich and Nashua roads have through freight trains, they would have the right of way over the local freight trains.

Q. Is that arrangement one that is to be perpetuated; that arrangement of trains you have spoken of?

A. I presume it is; it has not been changed for years.

Q. It may be changed at any time?

A. Yes, sir.

Q. How many freight trains during that time?

A. I haven't got the table of the Western division, can't tell the number of trains.

Q. You heard the statement of Mr. Ball in regard to this proposed depot on Green street; would that plan, as suggested by him, be satisfactory to you?

A. I don't think it would be possible to get any suitable passenger station in that square. I put my scale upon the plan I have at the office. The plan, so far as any has been proposed, is a building 300 feet long. My scale only shows 600 feet, and the disposition of the cars and engines would be such as to make constant switching, and in that respect would be more objectionable than any place I have known.

Q. Have you considered what would be the result of an additional number of heavy freight trains at Washington Square.

A. Yes sir.

Q. Would the state of things that would result from such addition be agreeable to you, or convenient to you?

A. Not at all. We should submit to it, if necessary, to carry out a general scheme, we should, however, infinitely prefer this cut-off over the sewer. I think that is a perfect arrangement.

TESTIMONY OF MR. HAMMOND.

Q. You are Treasurer of the Nashua road.

A. Yes sir.

Q. Did you make this communication to the Worcester Gazette?

A. I prepared it, sir.

REMARKS OF MR. TORREY.

Mr. Chairman and Gentlemen: The state of my health and voice renders it neither agreeable nor possible for me to occupy the time of this committee to any length, but I trust the importance of the interest I represent in this hearing will not be overlooked from the fact that it has taken so little of the time during the course of the hearing. It has been deemed necessary to put in no testimony in behalf of the case which I represent, because the justice of this remonstrance is so evident that it is one of those axioms concerning which no proof is needed. I represent here some 1700 remonstrants from various towns of Worcester County, who ask you that they may not be cut off from railroad facilities which they have enjoyed for the past twenty or thirty years. This hearing is to me, indeed, a novel one, it is the first time in my short experience about this State House, that a New England city or town has deliberately come before the Legislature and asked to be deprived of railroad facilities; and this is done in the very height of the railroad excitement, when every small town in the Commonwealth is coming here and clamoring for aid to railroads to bring people to their doors, the City of Wor-

cester, the heart of the Commonwealth, which boasts, and justly boasts of a very considerable degree of patriotism and enlightenment, deliberately comes before this committee and asks that you will deprive it of the railroad facilities which it enjoys to-day—I mean their local facilities, because this through business, which passes through the city, east and west, amounts to nothing to the city. Do they show you any reason for the granting of their request? No; on the contrary the only grievance—it was very well put by Dr. Clark—which is the foundation of the whole case in this hearing, so far as the city of Worcester asks for itself, and not for the Boston and Albany—is that they desire the tracks removed from the Common. There has been hardly a word said about Park and Front streets, but the whole burden of the song is that the tracks may be removed from the Common; and the Mayor stated that the sentiment of the city was that, whatever else was conceded, the tracks must be removed from the Common.

The grievance is not that they are troubled with Park and Front and the other streets; the grievance is that the Common is disturbed by the presence of this track. Although a sentimental grievance it is entitled to be heard. Perhaps, with our uncultivated country eyes, we don't appreciate the beauties of the Worcester Common. They come here and ask for that Common with these eye-sores upon it which they don't pretend are to be removed; that we may be left at Pine Meadow, or at Shrewsbury street to accommodate a public park in Worcester. That is a fair statement of the case, because so little is said about these streets which cannot be said about the streets in any town in this Commonwealth, having equal, or nearly equal facilities. Is there any grievance which in any way approaches the grievances in the city of Boston, where every railroad crosses some of the principal streets; but does anybody suggest that the Boston and Albany road, for instance, shall remove out into Back Bay and relieve the streets where the travel is ten to one what it is in these streets of Worcester. Are there any grievances in Worcester to be compared with those in the city of Springfield? They say they want to get rid of the danger of the grade crossings. We say (and the truth of the statement is obvious) that the grade crossings in Worcester are as safe as the crossings in any large city in this Commonwealth. We say as citizens of Worcester County that we have some rights in this matter. It is our shire town. We go there to attend court; we are forced to go there. It is not a matter of choice; and we say that the city of Worcester has no right calling us in there as they do to attend courts by statute law, and to do our country business; to undertake to deprive us of our facilities. We say they have no right to say they will leave us not where we want to go, but a mile towards Boston on the outskirts of the city where nobody wants to go. They have no right to say to us "you shall walk a mile further if you want to go to Boston, or you shall engage a carriage at an expense greater than your whole railroad fare to Boston in order that our Common may be beautiful."

It is not for me to go into the details of this matter of the grievances of the city of Worcester, or how they are to be remedied. The simple question is whether they have shown sufficient grievances to render it necessary for these people to be left a mile further from where they want to go than now. They tell us the city is increasing about Washington Square, and if this change is

made in a few years it will be found that we are interfering with somebody there and we shall be transferred to Shrewsbury Heights, and if this principle is to be applied how far shall we be eventually shoved from the centre of the city? It is not saying much against the city of Worcester to say that the wit and ingenuity of man can devise some plan by which these grievances can be remedied, and still the passengers be dropped in the center of the city where they belong. It is so in other cities.

I think it is a matter to be considered by the committee when they come to consider this question, whether this is the deliberate, calm, sober judgment of the city of Worcester, or what happened to be at the top of public opinion when this matter was presented for the consideration and vote of the city; whether it is not something so unusual that a city should come in,—a city which has recently subscribed \$200,000 or \$300,000 to aid the Boston, Barre and Gardner Railroad, which connects them with two or three towns that they were not connected with before,—and make such a request as is presented here. After subscribing this amount to aid this new railroad, they come in and propose to expend twice that sum of money in order that the people of these towns which are to be connected and accommodated by it who wish to be brought into the heart of the city shall not be brought there, but shall be removed to the outskirts of the city. The internal affairs of the city of Worcester are nothing to me, but it must be evident that when the city government takes such a position as that, when they ask to take a step which just as certain as that the sun rises in the East, will direct business from Worcester to other cities and towns in the country, and just as certain will help Fitchburg and Clinton and Marlboro', and help them at the expense of Worcester—as that any result will follow from its cause, it is evident on the face of it, without asking the people to stand up and count noses in this form,—that they cannot represent the sound, sober judgment of the city of Worcester. Better, a thousand times, give up the common. They had better fence up these very streets than do anything of the kind.

The mayor comes here and tells us that real estate is too high in the city of Worcester. If that is so, they had better abolish all the railroads in the city. That will lower it sufficiently. We can now go to Worcester and be left literally on the main street of the city. Since this hearing came up, having business in Boston I saved staying in the city over night from the fact of the depot being at Foster street, instead of Washington square. The mere fact of stepping from Main street into these cars, rather than having to travel a mile and a half, or three quarters of a mile to get them, saved me from being kept there over night. That is something which is happening every day in the year. Every day, people are precisely in that condition. I beseech my friends to pause before they ask for any such measure as this. Is it not better to let this matter stay just where it is, having it discussed, as it will be discussed by able counsel on the one side and the other, after this full hearing and this full discussion, and see if the sentiments of the city cannot settle down upon something which shall remedy the evil and still not strike at the advantage.

I don't know but what I have stated the whole case. Our ground is this, and nothing more. We desired this legislature to pause long and well before they resort to so violent a measure as to debar people from visiting this great centre of Worcester county and being left as they are now where they want to

go, rather than be carried to the outskirts of the city and be carried where nobody wants to go, and be left to seek their places of business the best way they can.

MR. STEARNS. Which is the nearest station to the court house?

MR. TORREY. I stated that the citizens from the north part of the county attending court would not be affected by this change. The people I represent from Fitchburg, from which there is a remonstrance of 267 persons, so far as the courts are concerned, care nothing about it. Those are the very people who are accommodated by the courts at Fitchburg, and who go to Worcester seldom for that business, unless to visit the offices of the attorneys there which are nearer Foster street. To Marlboro', and all that part of the county upon the east and upon the south along the line of the Norwich and Worcester road, the remarks I have made will apply to no regard to the courts, and it will apply to my immediate neighbors in regard to other business.

MR. STEARNS. The people on the line of the Providence and Worcester would not be affected by it; the people on the Boston and Albany Railroad west would not be affected by it, and the people on the Worcester and Nashua would not be affected by it?

MR. TORREY. Not as far as the court business is concerned, as much as I go to Worcester I don't think I take the cars at Lincoln square one time in ten. My business leads me to the other end of the city before leaving. The insurance of the county, a great part of it,—is done at Worcester; their offices are near the Foster street station; so also with the retail stores.

ARGUMENT OF MR. ALDRICH.

Mr. Chairman and Gentlemen of the Committee:—When I remember the full and well-considered opening of my learned associate, Mr. Rice, I have sometimes thought the further discussion of this subject, so far as the facts are concerned, would hardly be profitable, when addressed to any body of men, and much less when addressed to this committee, whose experience in matters of this sort is very much more extensive than my own, and who have as full and complete knowledge and comprehension of these facts, certainly, as any of the counsel so far as the evidence has been presented here; and yet when I reflect upon the magnitude of the changes which are proposed, and the multiplicity of interests involved in these changes, and the great number of persons to be affected by them, and the important corporations whose interests are also involved in these changes, I hope I may be pardoned for occupying the attention of the committee for a very short time. It seems to me that a statement of the parties who are to be affected, the interests that are at stake, and the probable and admitted consequences of these changes, is about all that need be said beyond a discussion of one or two legal propositions, which it seems to me ought also to have an important bearing upon the determination of this question.

The parties to be affected by this change, or these changes, is not a single corporation; nor the persons that are dwelling in a single locality. It is not a petition for the removal of a railroad station in a small village, upon a single railroad line,—but here is a proposition to change and break up the connections,—the well and long established connections of four separate railroads running into Worcester, to which is to be added very soon a fifth. These petitioners, make

a statement which, in its naked simplicity, seems to be of very little consequence as affecting these great and extensive corporations and business concerns. It is simply to remove the tracks from the Common and from the adjoining streets,—Park street and Front street. Well, the Common that is spoken of you have seen. When the word “Common” is used we are accustomed to think of such a beautiful Park as Boston Common; some large area beautifully adorned with trees and walks, a place to which the inhabitants resort for recreation, fresh air and amusement; where the children go to play, and for recreation. But this little patch of ground that is called Worcester Common is used for none of these purposes. You have not heard a single witness from the Mayor, who looks after the interests of everybody in the city, or from any of the witnesses—intelligent people all—you have not heard a single word about that Common being the resort of our citizens, old or young, men or women. They may say it is because the railroad is there, but everybody knows that is not the reason. On one corner is the lock-up, around which are gathered, from day to day and from night to night, all the loafers and stragglers of the city. On another part of it is an old burial ground. On another part of it is the Old South Church, a most respectable and ancient edifice, which is yet fresh in its inculcation of good and wholesome doctrines, I doubt not, and at another corner is one of our ancient school houses. Aside from the railroads, from the dilapidated fence which encloses it, and all the surroundings of that Common, you will know by a single glance that it is not the resort of our citizens who would like a Park or Common for use.

I say there is a delusion conveyed to the mind when you talk about the tracks across the Common. The Common is nothing more than a thoroughfare at most, through which the citizens pass to and from Main street, and their places of business or abode; just as Park street and Front street are, and that is all there is to it. The only thing proposed by the petitioners is to remove the tracks from that Common and the two adjoining streets, that is their *sine qua non*, as I heard some of the witnesses say. There are some other streets that are included in the general scheme, and added to that is the removal of the Foster street station. Those are the only two things sought to be accomplished here, and I submit most respectfully when you are asked to break up the connection and business of four important railroads; three, leaving out the Boston and Albany; four, including that; when you are asked to break up all these long and well established, and expensively established connections, it is well to bear in mind the declaration of the Railroad Commissioners in the case of the removal of the Millbury Depot; that when petitioners ask for a change in these long established railroad connections, they assume a heavy burden of responsibility; the burden of proof rests upon them to establish a strong public exigency before you will disturb those connections. I say then that these railroads are deeply interested, and I say that the city is deeply interested. Now, nobody will deny that for the time being the Mayor of the City of Worcester, like the Mayor of any other city has a right, officially, to appear and represent its interests; but yet, gentlemen, we are not to be overborne by names, nor carried away by appearances. While we concede to our Mayor as much intelligence and acquaintance with the city of Worcester as any of us, yet when we remember that he has been our Mayor only two or

three, or four months, we don't believe that he has been endowed with superior wisdom in that brief period of time, so as to know much better about this matter than other intelligent citizens; and while he has a right to come here and speak for the city, he has really the same means of knowing about it that Mr. Joseph Mason, who gave his testimony before you with great clearness and discrimination, has, and no more and no better.

I say the City of Worcester is a party to be affected by this in a way that I apprehend will be seriously injurious. Many of the citizens of Worcester appear here and ask to be heard, and object to this change. They object to it as residents of Worcester; as travellers to and from Worcester, as land owners and as business men in the City of Worcester; and Mr. Tofrey appears here as representing a large constituency, extending over a considerable portion of Worcester County, who are also to be seriously affected by this change. These are the parties to be affected—what is the evidence? What is the law? In order to know whether a man is to be disturbed in the enjoyment of an easement and in the enjoyment of a property which he has acquired by purchase, or which he has legally secured to himself, and upon which, and for the improvement of which he has expended large sums of money, we are to inquire what superior public exigency has arisen that calls upon the Legislature to take away from him those rights which he has acquired, either by purchase or under a charter or act of some former Legislature. Take the Worcester and Nashua road, which I represent more particularly, they have acquired by their charter the right to run into the Foster street station. They have not only done that, but they purchased and paid their money for it; and if the Committee will look at one document I have put into this case they will find that the Worcester and Nashua paid a very large, and as was thought at that time, an exorbitant sum of money to the Boston and Worcester railroad (as it was at that time before the consolidation,) for the land in the immediate vicinity of the present depot, and expended a large sum of money to secure to themselves the rights which they now hold there and have enjoyed several years. They also, as you will find by the documents that have been put in evidence, have a binding contract with the Boston and Worcester Railroad (the obligations under which are passed over to the consolidated road,) by which they are to enjoy forever—unless it is taken away by the superior act of the Legislature—to enjoy forever, and at the expense of the Boston and Albany Railroad, their depot facilities at that point, without charge, and they are also to have the benefit of the curved tracks connecting them to the Norwich and Worcester R. R.

I see at once, and comprehend at once what answer can be made to this. The answer is that they have provided in this bill which has been laid upon your table that the Worcester and Nashua railroad shall be fairly compensated for all those rights of property, whether absolute rights or easements, if they are taken away. That is in some measure, a provision for a sufficient indemnity, yet, Mr. Chairman, this is not sufficient unless they have established the existence of a public exigency for this interference. It is no answer to tell me that a man may take away my house, whether I will or no, or take away my land, or my farm, whether I desire to sell it or not; it is no sufficient answer to tell me there is a provision that I shall be paid such a sum of money as some other men shall fix. I grant that there is a provision here that the

Nashua and Worcester is to be compensated, but that does not lend any force to the main argument for taking away this property, these rights and these depot facilities unless there is a public exigency underlying the whole, which will authorize it.

Take the Norwich and Worcester, they have at great expense formed their connections which are now sought to be disturbed, and what is of more importance than either of these taken singly; these two corporations, the Worcester and Nashua and the Norwich and Worcester have formed their connection with one another at great expense, and established all their business in reference to it (just as the Boston and Worcester did a while ago with the Western Road.) Suppose that, by and by, in the progress of time, and as the business from North to South increases as it is increasing from month to month largely, it might become a necessity, and the public good might require that these two corporations should combine and consolidate,—the Worcester and Nashua and the Norwich and Worcester,—so as to form a single road through from the North to the South, which will undoubtedly be done in the future, establishing a line as important to the public interests as those which runs East and West. Now, what is sought to be done? It is asked by the Boston and Albany railroad (because it is the Boston and Albany that asks to have these changes made, fortified as they are, no doubt, to a considerable extent by the popular sentiment and the aid of the city of Worcester), that four railroads, five by and by,—the Providence and Worcester, Norwich and Worcester, Worcester and Nashua, Barre and Gardner, and the Fitchburg and Worcester, all of which now, for certain purposes, terminate at the Foster street station, that each and all of these shall be turned out of their track, and this connection broken up, and all sent down on to the grounds of the Boston and Albany road and made in some measure tributary to that great and powerful corporation.

And here, I want to say a word about the Boston and Albany road; and when I speak of the road I mean the Corporation. I have not a single word to say,—I have no disposition to say a disrespectful word of the gentleman who is at the head of that Corporation; who has by his preeminent ability placed himself first, or among the first of railroad men in this Commonwealth, or in New England; nor have I a single word to say against the high character, integrity and honor of the Vice President who has appeared here to favor these changes. I speak of it as a corporation, and of its duties and obligations as a corporation. What are they? The Boston and Albany road that asks for these changes has resting upon it to-day, the responsibilities of both the Western and the Boston and Worcester roads. In 1867, when the bill was passing through the Legislature, authorizing the consolidation of the Boston and Worcester, and the Western railroads, it was insisted upon, and there was a great deal of feeling upon it, that the 16th section in that bill should make a part of it, so that the Boston and Albany, when consolidated, should not have the power to withdraw from the local stations,—from any local station from Boston to the State line,—any facilities that had been furnished by either of the two roads; and so it was provided, and so it was accepted by the Boston and Albany at that time, that they would not withdraw any of these facilities (from any of the intermediate stations) that had been furnished by either of those roads;

and in some measure the faith of that great corporation is pledged to the city of Worcester, and every town between Boston Harbor and the State line to keep up these facilities. I have heard the remark as coming from a prominent manager of the Boston and Albany; that he wished there were but three stations upon it, one at Albany, one at Springfield, and one at Boston. I submit that this measure is only a part of a more general plan which may ultimately be carried out to make that great road a road for this long travel and through business without taking good care of the citizens of the Commonwealth along the line of the road, for whom it was built and by whom it has been largely sustained. I say this matter ought not to be lost sight of in this inquiry, and that the Boston and Albany ought to be required to maintain that Foster street station. Even if the tracks are to be removed from the Common.

I was reading, not many months ago, in an article in the North American Review, by a gentleman who writes so well upon the subject of the railroad management and the railroad system of this country, in regard to the Boston and Albany road, this statement: that the Boston and Worcester road and the Western road went into that consolidation with twenty-one millions of capital and came out of it with twenty-four millions of capital, and the stockholders of that road got the benefit of this \$3,000,000 of watered stock. At the time of the consolidation they assumed the responsibility of maintaining this station; yet what have we seen? this Boston and Albany road, which in 1867, when the act of consolidation was passed, assumed this responsibility, came to the Legislature openly in 1869, by their own petition, and asked to be permitted to abandon this Foster street station. Only two years after the consolidation, two years after the enlargement of their capital in the way I have suggested they came to the Legislature to be relieved from the obligation of maintaining the Foster street station. The Legislature said, no, we will not relieve you from that responsibility. I say, therefore, so far as the Boston and Albany is concerned, instead of granting to them the right to compel these other roads to come down to them, they ought to be compelled to maintain the Foster street station in some way or other, whatever becomes of the tracks upon the Common. So much for these railroads. Now, Mr. Chairman and Gentlemen, I said that what was proposed to be done was to remove the tracks from the Common and adjoining streets and to remove this depot; what will that involve? It certainly involves taking away a part of the franchise of the Worcester and Nashua road, and a part of that of the Norwich and Worcester road. I shall not now, or at any time, undertake to maintain (because it would be folly for me to do it, before this committee,) any proposition of law which it does not seem to me has been clearly established by the courts. If you compel the Norwich and Worcester road to take up its track from the Foster street station down to Madison street, or from Foster street station down to Southbridge street or to Park street, you certainly take away some rights which they have to-day. If you compel them to take up that track (and this tests it,) without providing that they may go somewhere else, you destroy their road; you destroy their connection, in other words, between that road and the Worcester and Nashua road. My friends on the other side have cited certain authorities, but this is the distinction, and I ask the Committee if it is not a clear distinction. I have no doubt, and shall not contend for a single moment—all these charters having been granted since

the 11th of May 1831—that it is not in the power of the Legislature, to amend, alter, or to repeal any and all of them. There is no question about that, I go further than that; I have no doubt that the Legislature has the right to order any one of these railroads within its location, to build bridges over highways, construct their roads so as to run under highways, to establish additional stations for passengers, to change and alter the grade of their road, so as to render them safe and convenient for the public, and to promote the public interests; because these railroads are not simply private corporations, established for the purpose of enabling a few men to make money. They are for the public, and I have no doubt, and shall not contend for a single moment, that this Legislature has not the most absolute power over these corporations to amend, alter, or even repeal their charters.

But, I submit that what you are asked to do now does not come within the principles of any case that has been cited. You propose to take away a part of their franchise and not to regulate the use of what they have. Take the case of the Fitchburg railroad vs. the Grand Junction railroad, which will be found in the 4th of Allen. In that case the Legislature in 1856 or 1857 passed an act requiring the Grand Junction and Fitchburg roads at their intersection in Somerville to change their grade. I will not go into details, but it involved the necessity of changing their grade and building an expensive bridge, and provided that it might be done by the Fitchburgh road, and that the Grand Junction should pay a fair proportion of the expense, and if they could not agree as to the proportion to be paid by the Grand Junction road, it should be determined by an arbitrator for whose appointment there was a provision. The Grand Junction road acting through its attorney, Mr. Hale, resisted that at every stage, taking the ground that acts requiring them to pay for changes they did not want was unconstitutional and that the Legislature had no right to subject the Grand Junction railroad to that expense; but the Court said the act was constitutional and the Grand Junction must pay its fair proportion of the expense of making the change. On what ground did they so decide? It was that all these changes were made within the location; it was an act of regulation; the crossing had peculiar dangers. It was not a case where the Legislature compelled the corporation to abandon its railroad track and adopt an entirely new location, but it provided they should alter their grade so it should be less dangerous; and the Court said it was an act of regulation within the franchise granted.

Take the case of the city of Roxbury against the Boston and Providence road, which happened earlier,—where the Boston and Providence were required to build a bridge so as to carry the highway over their road in the city, or town of Roxbury. They resisted that,—the Legislature having required it. The Court said they had a right to do it because it was directing this Boston and Providence railroad in what manner it might enjoy and use its franchise. But in the case now before you they propose to wrench away from us our depot accommodations and also our railroad track. Take this case which they have cited and laid upon your table in manuscript,—the case of the commonwealth against the Eastern railroad company. By a statute of 1868, Chap. 69, the defendant corporation was required to establish a flag station at Knight's crossing and Newbury and erect a station house at which at least two trains should stop each day. There was an act directing how

they should exercise their franchise. That road was chartered for the purpose of accommodating the public. They were authorized under the right of eminent domain to take certain territory for their location. They established certain depots. The inhabitants said, "There is a depot wanted here and the road will not establish it," and the Legislature passed an act saying, "You must establish a depot within your location at the point named." The road resisted, and said they would not do it, and they didn't do it until the Attorney General, in the name of the Commonwealth, proceeded to compel them to do it, and not then before the case went to the Supreme Court, and the Court said the Legislature had a right to pass the act. .

"In respect to charters for railroads both the Legislature and the corporation act as trustees for the public interest, to some extent, for the corporation is entrusted with the right of eminent domain, which is in its nature a public right and is not to be sacrificed to uses that are exclusively private."

The principle you will find in that case is the one which holds through all the others. Take the case of the Boston Water Power Company *vs.* The Boston and Worcester Railroad Company, which will be found in the 23d of Pickering, I think. The Boston Water Power Company, under a charter from the Legislature, had the right to regulate the ebb and flow of the tide in Back Bay so as to create a water-power. When the Boston and Worcester Railroad was chartered, running from the city of Boston to Worcester, they found it necessary to cross this Back Bay, and to run their road through the full basin, I think it used to be called. The result was it filled up the basin and destroyed, in some measure, the water-power. There was a provision in that case that the Boston and Worcester road should compensate the Boston Water Power Company for the interference with its rights as a Water Power Company. The Boston Water Power Company claimed that they should be indemnified for the loss of a portion of their franchise, and the Supreme Court said NO. This is only the exercise, on the part of the Legislature, of the right of eminent domain to create another public use over and upon the same locality occupied by an existing corporation: as when one railroad company is authorized to locate and construct its tracks within the location of another railroad company. But I submit it is quite another thing when you are asked to compel a railroad to abandon a mile or more of its location, tear up its tracks, sever its long established connections with other railroads and demolish its depots, and talk of a new location and reconstruct at great expense new tracks and depots, and establish other connection. Undoubtedly, the Legislature has power to allow these things to be done—the power to repeal a railroad charter, altogether, perhaps, includes the power to repeal it in part. But it is a power which will never be exercised without the clearest necessity; and as it seems to us, not without providing in some way that the corporation whose franchise is thus impaired, shall receive indemnity from the party upon whose petition or demand such changes are ordered, and not even then unless an imperious public exigency can be shown. I admit then that after a sufficient public exigency has been proved you have the power and right to order these tracks removed from the Common and adjoining streets, and that a new Union Depot shall be constructed for all the roads running in or passing through our city. But will you not do this without, in some measure,

indemnifying the roads for every right you take from them, or provide that compensation shall in some way be made. Let us consider this for a moment. A property, or right, which I have acquired by a charter granted to me and others by the Legislature, I hold just as I hold any other property. All the property in this Commonwealth is derived immediately or mediately from the Government,—from the State. I hold my house, and every other man holds his house, by substantially the same tenure that a railroad holds its right to run its tracks over its location. They have this right by the exercise, on the part of the Legislature, of the right of eminent domain. Originally all property belonged to the province and its title;—every title can be traced back to the same source. All titles to land as I have said are held either mediately or immediately from the Government, or from the State, and it is so under every organized Government. I say that this right or easement, this right to have a railroad, this right to have a public street, or public highway, is just as much property, recognized as property, and property of the corporators, as the house in which each of these corporators lives is his property. You have the right to take away my house; you have the right to say my house shall be removed, if there is a public exigency which requires it; the machinery that is provided to do this in case of highways,—the power of County Commissioners to take land for public highways and other public purposes is only the same right of eminent domain exercised under and by virtue of authority conferred upon them by the sovereign power in the State. What the County Commissioners can do under existing laws, to wit: lay out a road, and compel me to move my house which may happen to stand within the location you, acting as the Legislature, may have the right to do to the Worcester and Nashua road, and compel it to move its station and tracks if there is any public exigency requiring it: but when the County Commissioners take away my house or destroy it for the public good, natural justice and the laws of the State say that I shall be paid for it. I say that the same principle which would give me compensation would also require that compensation should be paid a railroad if you take away its charter, or if you deprive it of or impair its chartered right for the public good of other corporations or persons. I know it may be said on the other side, “What is the difference if you take the tracks up from the common and compel the companies to build tracks around the common, what is the difference between doing that and compelling them to tunnel under the common.”

The difference is this. In the one case you only require them to act within their location, and in the enjoyment of the franchise which the Legislature has already given them, something which is essential to the welfare of the public, whereas, in the other case, you take away from them entirely what is their right. I need not cite any authorities to this intelligent and learned committee to show them that the courts hold that a charter, an act of incorporation adopted and acted upon, is private property and cannot be taken away for public use, any more than you can take a private house without compensation.

MR. ADAMS.—What do you understand is the vigor of that proviso put into subsequent acts of incorporation, that they might be altered or changed by the

Legislature. You admit that the Legislature can do this under its right of eminent domain by making compensation. Now you say we cannot do it without compensation. I simply ask to know what vigor you would attribute to that language under your construction?

MR. ALDRICH.—The only answer to that question, which occurs to me at this moment, is this: before that there was a question whether the Legislature had the right to alter or repeal their charters or not: questions of this character frequently arose and were discussed in courts of law. There is another answer which now occurs to me. If the Legislature without any such provision in the act of incorporation, or in the general laws, should grant a charter to a railroad, or to any other corporation, giving it the power to appropriate property to itself, under the right of eminent domain, the Legislature might not after that have the right to take that charter away unless it was forfeited by some act of the corporation, except for public use. The Legislature have no power to take my property unless they take it for public use. You cannot take my property and give it to my neighbor. There is no power to do that in the Legislature or in the Government; but you may take it for public use. Now, take an act of incorporation, with no such clause in it as the one suggested, then the only right the Legislature would have to interfere or take away the charter might be to secure some great benefit; that is, a greater public exigency having arisen, might justify the destruction of that charter like any other property. When with this provision in, the Legislature has undoubtedly a more absolute control over the charter and corporation, and may alter, amend, or repeal it, without showing a public exigency.

MR. ADAMS. Do you think the power of the Legislature would be sufficient to take away a charter from one railroad, and give it to another for private uses, without a public exigency?

MR. ALDRICH. No sir. In other words the Legislature will never in the exercise of this power, take away the property of a corporation or individual, except where public exigency requires that for a public use. In the case of an individual they cannot, and in the case of a corporation, they ought not except where public exigency demands it, and in both cases will provide for compensation. Acts of incorporation, when granted on valuable consideration, assume the nature of contract, and vested rights under them, are no more subject to the legislature's control than any other vested rights. 11 Peters, U. S. 569.

Judge Story in giving his opinion in the case just cited, says:

"Although the sovereign power in free governments may appropriate all the property, public as well as private, for public purposes, *making compensation* therefor, yet it has never been understood, at least in our republic, that the sovereign power can take the private property of A and give it to B, by the right of eminent domain; or that it can take it at all except for public purposes, or that it can take it for public purposes without the duty and responsibility of making compensation for the sacrifice of the private property of one, for the good of the whole." And the full court recognized the soundness of these propositions so clearly stated by Judge Story.

It is where the property is directly taken, and not where it is consequently impaired. Where you required the Eastern road to build a flag station and a new depot, there was a consequential injury to the corporation, because it imposed upon them additional expenditure, but you did not take away from

them any of their property. They still had the property; they still had the new depot, but it was a consequential injury. It applies to property directly taken, and not to cases where its value is consequently impaired. I say this railroad is taken away. I do not forget that in taking this road you are not giving it to somebody else, but I say it is destroying it; and this opinion from which I have read says property may be taken for public use, or it may be destroyed. Now, here is an act of destruction. It is destruction and not regulation.

MR. ADAMS. Suppose the Legislature choses to say to a railroad running through the State, say the Boston and Albany running through Springfield, "the present route of your road is, in the opinion of the Legislature, detrimental to the public welfare, and we think the public welfare demands that you run on another line and abandon your present line." Do you know any authority that goes so far as to say that would be improper, or that the Legislature would be required to compensate the railroad for the abandoned use of the first line laid out?

MR. ALDRICH. I have not found any authority that expressly denies that power in the Legislature.

MR. ADAMS. I admit if we should absolutely take away the line, or any actual property of the railroad perhaps your authorities might go to that point; but suppose we simply require a change of line. A railroad corporation, for instance, has no right to hold real estate, I take it for the ordinary uses of the individual. They hold it as public trustees for the use of running the railroad over it, and it is held for the public in the nature of a trust for that purpose and no other. Why may not the Legislature say: "You must abandon this line and adopt another," and not compensate, although they may have to abandon real estate that they have bought?

MR. ALDRICH.—It seems to me that a case might possibly be conceived where the Legislature would have the right. But if this should be done at the request of other parties or corporations, compensation should be provided for.

MR. ADAMS.—That is the question that is presented to us in my apprehension of it. As I understand it, the legislature is asked to substitute a new line and to require you to take up your tracks on the old line, they do not cut you off from your franchise of connecting with the Norwich and Worcester road at some point. Suppose the Legislature provide for your connection, only at a different point, by a different line?

MR. ALDRICH.—It seems to me that if this were done at the request of the corporations——

MR. ADAMS.—If the Legislature requires you to abandon one location and take another, is there any exercise of the right of eminent domain there?

MR. ALDRICH.—I think there is, because it is really taking away the property of the Norwich and Worcester and the Worcester and Nashua roads on the ground that there is a public exigency. That is these roads are required to abandon property they have bought and paid for, because it is said the public good demands it.

MR. SANFORD.—In that case the property is not taken for public uses, but a certain portion is abandoned for public use.

MR. ADAMS.—You don't claim that you have property in any highway you pass?

MR. ALDRICH.—We have property at the Foster street station, and own the fee of our location from Park street to the Junction. My reasoning applies to the Norwich and Worcester road as well as to the Worcester and Nashua, because each road has the fee in its location from Park street down to the Junction. In answer to the remark of the chairman that this is not taking property for public use—the destruction of property for the public good may be accomplished under the right of eminent domain.

MR. SANFORD.—Merely a consequential destruction?

MR. ALDRICH.—No, sir; actual destruction. Where my property is so situated that the public safety requires its destruction, then the public have a right to its destruction, as when a conflagration is prevailing and it is necessary to blow up the buildings contiguous to those on fire. That is a right you may exercise; so with the right to take property for public use in war. Everybody can see the application of that. While war is prevailing, if it is necessary for the safety of the country, or for military purposes, to batter down any house, or destroy a city, it may be done, because it is necessary for the safety of the country. So in time of peace you may destroy property for public use, and you are asked to destroy it here, and it is upon the same principle.

I again repeat what you are asked to do here is to destroy property; property that the Worcester and Nashua road have bought and paid for, for the purposes of a railroad,—for its stations and its track. They have bought it and paid for it. Let me apply this reasoning to the Foster street station. You certainly can let the Foster street station remain, even if you say the tracks must come off the Common. Now, is there any public exigency? Does the safety of the people; does the safety or welfare or the people of Worcester, or of the County of Worcester require that you shall take away from us our Foster street station? The Boston and Albany Railroad, by a contract under seal have agreed forever to furnish depot facilities to the Worcester and Nashua Railroad at that point; and it is property that the Worcester and Nashua have paid for. Now, what is the public exigency for taking it away from us? You can leave the Foster street station and harm nobody; and I say there is no exigency for taking it away. What public use can it be devoted to, and what injury will it do to remain there? I will not dwell upon the effect of the removal of the tracks from the Common and the streets adjacent, although some of the reasoning I have indulged in would be applicable to that. Let me, however, say another word about the Common. In 1836, when the city of Worcester, then a town, desired these railroad facilities they acted in town meeting, and appointed a committee to deal with the railroad, and made an arrangement with them authorizing them to come in over the Common. I don't claim under the vote that that was a contract absolute in its terms by which the town of Worcester sold, or contracted to these railroads the right to maintain a track upon the Common forever; but it is, morally, a contract; there is moral force in it, because the road was then seeking its connection and terminus in the city of Worcester; it was then seeking a location for its tracks and about to incur a large expense, went to the town of Worcester and said: "Will you allow us to go over the Com-

mon?" And by a vote passed in town meeting the committee of the town was instructed to make an arrangement, and that arrangement was made and the tracks were put down in pursuance of it.

I agree that I should go farther, perhaps, then would be claimed by some. I would go to this extent, even if the city of Worcester had made a contract and sold them the right they have, that would not deprive this Legislature of the power to regulate the use of the railroad across the Common by any manner of means; but I say that the city of Worcester, or the town of Worcester (the city being the successor of the town), having granted this right; having released the damages, and having thus induced the railroads to build their tracks there, ought not now to force those tracks off of the Common except on grounds of the strongest public necessity; on the ground that the safety and interest of the citizens require it.

I advance one further stage in this argument. I say this: (and I venture to hold it out as a proposition which ought to commend itself to the committee and the Legislature) this railroad was laid out through the city; it is a public high way. Along that road have been erected some of the most expensive shops and manufacturing establishments in the city. The owners of that property have been here to-day and tell you if these tracks are taken away, their property will be injured, their property will be ruined, they will be compelled to go somewhere else for their business. Whatever may be said about the right of compensation elsewhere, can there be a successful denial of the right of these owners, these abuttors upon the railroad tracks, (if these facilities are taken away from them) to compensation? Many years ago before there was any legislation upon the subject, a case arose where a highway was discontinued, and the adjoining owners were injured by it, and they applied for an assessment of damages sustained in their property by reason of the discontinuance of the existing highway. The court then said: "there being no statute providing for damages in a case of this sort, it cannot be awarded to you." Immediately after this, the Legislature passed an act giving to abuttors upon a highway which was discontinued the right to damages, and still later said, if an existing highway was changed in its grade, made higher or lower, so as to injure the property of the abuttors upon it, then such adjoining owners should be compensated. Now, what the Legislature by general laws did in that class of cases, this Legislature ought to do in this case, by special act, if they pass any; that is, just as the Legislature by a general law provided that any owner of real estate upon an existing highway, which if discontinued or changed in its grade, would damage such real estate, the owner should have compensation. So this Legislature, if they pass a bill authorizing, or requiring these railroad tracks to be removed, ought to provide that all these adjoining owners sustaining damage in their property shall be fully compensated by somebody. There was some evidence given here by one witness which I do not undertake to justify, and would not undertake to support in argument, that if this Foster street station is removed, that the city of Worcester ought to be compelled to pay all the expense; that all this expense must fall upon the city treasury. I do not say any such thing. I do not claim any such thing; but I do say that these important establishments along the line of these roads should be compensated, and that compensation to these private individuals, it seems to me, should come to some extent at least from the

city, if the city insists upon the removal of tracks, from locations it once assented to. Without discussing the matter further, I say if you take away from either of these roads, any of their—not merely regulating them in the exercise of their franchise rights,—that they ought to be compensated and a provision should be made in the bill for that purpose, not merely for the property they own at the depot, but for the interference with the franchise itself.

MR. ADAMS. How far would you carry your doctrine? Suppose a real estate owner on Main street thinks his property is injured by removing Foster street station. Should he be compensated?

MR. ALDRICH. I would apply the same principle that is applied in the case of highways. That is, that only those people are entitled to damages whose estates border on the discontinued highways. What reason is there why the Legislature should not in a special act provide, where they propose to discontinue a railroad and thus injure private owners, compensation as in case of the discontinuance of highways?

The time allotted me will not allow me to go further in these legal propositions. I want to say a word upon another matter.

The city of Worcester is, as you all know, an inland city. It is peculiarly situated. It has no direct connection with tide water or navigation. The city of Worcester is dependent upon a thousand industries within itself. We have but few large corporations there, and manufacturers' shops are owned by private individuals, not by large corporations, much less by absentees. They are owned by the men who work at the anvil and the bench and lathe and who live there. That is the secret of our growth and our prosperity. Now, just as the tree grows, adapting itself to the soil on which it stands, to the atmosphere in which it waves, and the sunlight which bathes it, so the city of Worcester, from a little village of thirty or forty years ago, with four or five thousand inhabitants, has grown up to be one of the largest inland cities of the country, and its growth has been perfectly natural and homogeneous. These railroads constitute a part of its growth. How came the depots where they are? It was because the topography of the city, and the business of the city; the convenience of the city, and its population required that they should be there. The railroad tracks were not laid down arbitrarily across the common. The curved tracks from Foster street around to Lincoln square, and so on, to the North, stretching away to New Hampshire, Vermont, and Maine, and the Canadas were not put there arbitrarily. They were placed there because the natural growth of the city, the convenience of the city, and the business of the road, required they should be there; and as I said a while ago, as the natural growth of the tree adapts itself to the surrounding circumstances, so have these shops of industry, these manufacturing centres, our lumber yards, our machine shops, (manufacturing machinery which is now known all over the world, and which has a representation for excellence everywhere), have been created along the lines of these railroad tracks, and these several lines formed by our railroads have been put there, and the shops have grown up there, because it is in the natural order of things. And what our friends on the other side aim to do, is to tear the tree up from its natural soil, and turn it upside down. I say it is an attempt to wrench things from their natural connection. Is it to be said, I

should like to know, that the three hundred thousand people, men, women and children, that go to and from the Foster street station every year, (for they may talk as much as they please about the centre of population being south of Park street, the people go to Foster street station for their railroad facilities,) that these three hundred thousand people are to be inconvenienced and disregarded? What do they ask? Have they shown any public exigency for the removal of the Foster street station? Have they shown any reason for this change except a desire to relieve the Boston and Albany Railroad, one of the most powerful corporations in this Commonwealth? I have not a word to say against the gentlemen who manage that corporation, but I do say, so far as the removal of the Foster street station is asked for, it is asked for, for the benefit of the Boston and Albany Railroad, and nobody else; and the Worcester and Nashua road, and the Norwich and Worcester, and the Providence and Worcester so far as they use the Foster street station are to be sacrificed for the benefit of the Boston and Albany Railroad. The Boston and Albany Railroad which last year received nearly \$6,000,000 of gross receipts, as their returns upon your table will show, with a net profit of \$1,890,000, is abundantly able to give the three hundred thousand people, who have been accustomed, man and boy, year in and year out, summer and winter, to this convenient station at Foster street,—I say, this wealthy corporation is abundantly able to maintain that station and they ought not to be permitted to come in here under the broad robes of the Mayor of the City of Worcester, and while he asks for one thing they ask for another. My brother Rice explained that matter in his opening; that all that the people were called upon to consider in that vote of theirs about which so much has been said, was whether they would authorize the Mayor to petition for the removal of the tracks from the Common, and not a word was said about the removal of the Foster street station. I say, while the city is asking for one thing, this wealthy and powerful corporation with the responsibility of maintaining these facilities undiminished, ought not to be relieved from any part of the burden imposed upon them. I submit that there is no public exigency; there is not the slightest scintilla of evidence that the public good requires the removal of the Foster street station. The evidence is all the other way. Then I say, the evidence has not established a case for the removal of the tracks from the streets or from the Common. We have called here, and I am not going to dwell upon it, gentlemen who know as much about it as anybody; persons who are riding all over the city, and they have stated their experience in regard to Park street, and Front street, and Green and Grafton streets crossings. They say the obstructions at Park street and at Front street are not so great as at Green and Grafton streets, and the concurrent testimony of all parties is that if the railroads can be required, as the bill laid upon your table by us provides, if the railroads shall be forbidden to use the Common and the streets for switching and making up the trains, the evil will be relieved, and everybody will be satisfied to allow the railroads to remain where they are; and if the Boston and Albany, as they ought to be required to do, will build us a good, ample, capacious depot at Washington Square we shall feel very grateful to them, and all travelers who pass through our city will have occasion to congratulate themselves upon something better than the wretched railroad accommodations furnished at that point by the Boston and Albany Railroad.

for so many years. But they also ought to give to the three hundred thousand people who now use the Foster street station accommodations there, and be required to construct a new and commodious depot at that point. You heard from the President of the Worcester and Nashua road his statement concerning the future prospects of his corporation; that its business is constantly increasing and reaching out to Vermont, and New Hampshire, and the Canadas; they are arranging through express passenger trains. This change asked for will interfere with them, and give competing roads an advantage now over them, and in a great measure destroy their traffic. I think you ought to pause a good while before you compel them to abandon these privileges they have bought and paid for, and long enjoyed. There is no complaint that they have not exercised their rights properly; that they have violated their charter. I remember in 1866 (I thought of it when the President was testifying and showing that this north and south business was going to increase and become more and more important, and that this western business is not everything) I remember in 1866 that Gov. Andrew, who was then just out of office, and whose sagacity no man questioned, appeared before the Railroad Committee of the Legislature and asked for State aid to construct a railroad through the State of Maine into the Provinces east of that State, calling the attention of the Legislature to the fact that that was part of New England, and that our eyes should not always be turned to the west, but we should look in this other direction, to this territory which is a part of ourselves. This northern and eastern business is increasing and will continue to increase. Whether the Provinces shall be united with us politically or not, they are united by commerce and trade and geographical position, and their business is going to increase, and that business is not all going down to tide water over the railroads on the Atlantic coast, but over the railroads higher up on the Atlantic slope, towards the mountains. It will come along through the upper and interior portions of Maine and New Hampshire, and on through Worcester to New York, and from thence to the West and the South. This northern and southern line is becoming more and more important, and I beg that you will not now, in the very flush of their prosperity, interpose this serious obstacle, and check their growth, their progress and their prosperity, but let things remain substantially as they are. I do not think, Mr. Chairman, that a question of this sort, of this complexity, of this magnitude, involving property to the extent of hundreds of thousands of dollars, and business reaching out in every direction over the whole country, is to be settled by a vote in a town meeting. They talk of a long roll of petitioners here; about votes at the meeting held in Worcester, last fall. This question can never be understood except by those who investigate it upon evidence; and but few of the 3808 men that signed that petition, (every one of whom, I have no doubt, is quite capable of investigating this question if they would take the pains,) I don't believe have spent five minutes on the complicated questions involved in the investigation before you. You should no more discontinue a railroad upon popular vote or popular petition, than you would discontinue a highway. There are many highways in the towns in this Commonwealth which you could get perhaps four-fifths of the people of the town to agree to discontinue, but yet the County Commissioners looking over a wider field of interest, will not discontinue such highways, much less would you, who stand still higher, and overlook the whole Commonwealth, and take into view

all these intricate interests, be governed by a popular petition with 3800 names on it, obtained, you don't know how. Neither do I expect you to be guided by this remonstrance. It is one way of getting at the public sentiment, and what, ever it is worth, you will give it the consideration it deserves and no more, and in the end determine all these questions, after all the evidence of facts about which you can judge much better or more wisely than those who only have a partial view of the subject.

REMARKS OF MR. RICE.

Representing the road which will be the most seriously injured by the proposed changes, it seems to me I ought to add a single word. We come here, the Norwich and Worcester road, in the possession of a certain right, which is the right to run our cars between certain termini in the location which we have acquired under our charter, and by complying with the terms of that charter. I wish to state one illustration, (in addition to my brother Aldrich's illustration) in one single way, which it seems to me settles this matter. We admit that this road can be taken from us upon compensation if any exigency requires.

MR. ADAMS.—Who shall pay this compensation?

MR. RICE.—Those who seek to take away our property. Somebody must pay for it, and whoever is benefited should pay for it, whoever comes and asks for the change must pay for it. Suppose our road were just five miles long. They come and ask that we may be taken off of the last mile of it. They represent that the last mile runs through a populous section of Worcester, and ask that we shall be discontinued from that last mile of that location. You may say so; you may say we shall be stopped from using it. Then we cannot get to where we were before, unless you give us the right to go over some other location. We have got to acquire that location by your giving it to us, and our filing it, and occupying it under the new right which you give us. Then, in another year, another exigency arises which takes off another mile, and the next Legislature does the same thing over with the second mile, and the third year another Legislature does the same with the third mile, and so on for five years. At the end of five years we have a new road, and we could not have run over one foot of that road at the beginning, except under the new rights which you gave us from time to time, as you gave us the old ones. You have destroyed our road, taken it away from terminus to terminus, our franchise is gone; we have a new one, to be sure, but at our own expense; something that we did not have at the outset, and something we were obliged to acquire by paying new damages and building a new road. You take away the whole road. You have a right to do it, but only upon proper compensation, and it seems to me that the same principle which gives the right to take away our road from the Junction to Foster street, would give the right to take it piecemeal from Foster street to Norwich. We claim that no public exigency has been shown which justifies the taking away of our property at all; for our franchise is property, and if it is taken away we say that under the constitution and under all the decisions, we are entitled to compensation. We say if we are not there is a moral right, a moral obligation which the Legislature of Massachusetts should be, and always is, the last to disavow and disregard, to give

a proper compensation therefor. The legal obligation we say is conclusive, to a party, whether that party be rich or poor, from which it takes property, but we say that beyond that, the moral obligation is strong and imperative. Then, again, we have to say, that the burden of proof is on those who come and seek this change. I think if one thing has been apparent in this hearing, it has been this: That these parties who appear here as petitioners, and in support of the petition, agree in nothing except the desire to discontinue our road for a certain distance. They agree in nothing else. We say that their case would have been perfect,—just as perfect as it is now,—had they stopp'd at the outset; had they said "Here is a track through the city of Worcester." That is all there is to it. There is a railroad track that incommodes the people to the extent that any railroad track must incommode the people running through a village. If they had stopp'd there, it would have been the end of it, and just as much as they have got in now; they have got no more than that.

Again, do they show any way to get rid of it? The plan of Mayor Blake was brought in. Now, there have been no railroad experts that have testified that that plan is feasible; but, on the contrary, most intelligent and respectable men have testified that it is impracticable. Mr. Lincoln says, it will be inconvenient. Then they come with the other plan, around the sewer, and Mr. Lincoln says of that, that while there may be a road there for freight, there cannot be a depot at Green street as Mr. Ball thought, because there is no room. They have no plan, gentlemen, upon which they agree, which they can present to you. They come and ask you, upon this imperfect hearing, to settle that, which has involved the attention of these railroad officers for some years past, and which they have not been able to settle; and I say it is unreasonable to ask this committee to decide when they disagree in regard to the details themselves. We come and say, and we show you, (I think we have shown it by gentlemen whose intelligence, whose opportunity for information, and whose capacity to state what they know, is such as to command your confidence,) that in our judgment, the people of Worcester would be satisfied with the modification that we suggest, and ask for, in regard to the use which the railroads shall make of their reads. Has the other side against this testimony sustained the burden of proof? Have they against their own admission, and against the testimony shown you that you ought to remove, or do anything which would tend to remove Foster street depot; or that it will in anyway overcome the disadvantages of which they complain, to take away our right from Madison street or Park street, to Foster street station? I do not desire to add anything more except to say that the Norwich and Worcester road is desirous (you have seen the president, Mr. Smith, and you have seen his manner of testifying), to accommodate the public in Worcester, better than it now does, if there is any way shown for it, to do it. It is willing to have this act passed which we suggest, prohibiting the making up of trains on the streets. It is willing to be required to do what our witnesses say will satisfy the majority of the people of Worcester. We say we cannot go further. We cannot be put to this great expense, unless they have sustained the burden upon them, of showing that it is necessary. and even then, unless compensation is provided to us for our loss of property, for the expense that we incur in providing new accommodations and for the depreciation of our property after that is done,

MR. ADAMS.—Where should the compensation come from?

MR. RICE.—It seems to me it should come from those who asked for the change. Why is it that this is done? because it is an inconvenience to the City of Worcester to have these tracks running over the streets. It is on account of that inconvenience that the City comes and requests this change, and if the property be taken away, then let the City pay the bills.

MR. ADAMS.—You are exercising a public trust, and undertake to convey passengers by railroad established for the public use. That is the thing the public are interested in. Your getting money out of it is incidental. It may be absolutely necessary, but it is a thing in which the public have no interest. In what respect do you differ from a town which is obliged to exercise its public trust by keeping highways in repair? It is complained, for instance, that a highway is not in repair, and the case goes to a jury, and they decide that the town is guilty, and a fine is assessed, and ordered to be laid out on that particular place. In what respect do you differ from that? You are to exercise your trust in the way in which the competent tribunal decides is convenient, and if the tribunal decides that the way in which you are exercising it is inconvenient and dangerous, why must you not amend it?

MR. RICE.—The difference is here. In addition to that public trust we have a right of property; we have a franchise and that is our property. The town has no property in the highway; it has no right to make a profit out of it; cannot take tolls from those who travel over it; it has no franchise there. The railroad has a franchise; has property; has a right that it has acquired and paid for, which they got by the charter, and by the expenditure of money.

MR. ADAMS.—But not for the purpose of putting money into its pocket. You are authorized to get in the way of tolls a certain sum of money out of the public. In order to do that you have been invited to put your money into this road, and you have done it. The Legislature says, "You have not spent money enough there. You must issue some more capital,—some more stock, and you must make additional expenditures, because the public good requires it."

MR. RICE.—We admit that they have the power, but say we must have compensation.

MR. ADAMS.—Is not the compensation entirely adequate in the return you are to get for the money you are to expend, in the dividends on the stock?

MR. RICE.—We admit you could make us put a bridge over Front street within our present location, or tunnel the common within our present location, but we deny that you can take away from us the location which is our property.

MR. ADAMS.—Taking away from you the location is not the thing which is going to cost you money; it is giving you another one.

MR. RICE. You take from us the right we have now, and we have to get another one. You take away something and you do not give us anything we have not got now. You give us a right to build a new road, to be sure, but you might annul our charter, and take away our entire road and give us the right to build another.

MR. ADAMS.—You are taking an extreme case, which is an entirely different thing. It is always easy to argue in an extreme way, but this is about some-

thing practical. It is an amount of change such as every railroad is liable to desire to make from time to time, and no greater than a great many other railroads have voluntarily made, or even your own has made, or would voluntarily make if they saw there was a convenience requiring it. Now if the Legislature are satisfied that the public convenience of the citizens of Worcester, and the Commonwealth generally require it, why should you not change it? Why should you not be compelled to change it, when it is a thing you would do yourselves, if you thought it would be for your own convenience? You think you have an absolute private right which the Legislature cannot control without somewhere providing for compensation.

MR. STEARNS.—We can make your franchise good by giving you a new line. Suppose we pay you for your property in the City of Worcester, and let you find your connection the best way you can, if the petitioners are correct, we should make something out of the transaction.

MR. RICE.—I admit you can take it by paying for it, and for the depreciated value of our property, after you have taken it.

MR. STEARNS.—How does the railroad differ in this respect from a street railroad?

MR. RICE.—I suppose the franchise is something.

MR. STEARNS.—The general law provides that the Mayor and Aldermen of the City may require street railroads to take up their tracks and lay them in a new location.

MR. RICE.—But if there was not a general law they could not do it.

MR. ADAMS.—We have a general law that authorizes us to do anything with railroads.

MR. RICE.—All street railroads accept their location on that understanding.

MR. ADAMS.—So do you.

MR. RICE.—With compensation.

MR. ADAMS.—Where do you find it?

MR. RICE.—In the constitution, and in all the decisions.

MR. ADAMS.—Apart from your charter, all we have to do is to say to you, you must take up your tracks on the Common. You do not pretend you have any rights there. Where would you be then?

MR. RICE.—We should be entitled to damages for it.

REMARKS OF MR. VERRY.

I had hoped I might have continued the silence I have so far maintained during this hearing, but yielding to the solicitations of my associates, I propose to occupy a few moments in considering some of the questions which counsel upon the other side have been discussing.

In order to entitle the the petitioners to the relief they seek by legislative action, we concede it is necessary for us to show that a great public exigency has arisen calling for such action and to do this we proceeded with our evidence, until the committee announced that in their opinion a *prima facie* case had been made out, and upon that we rested; but had it been necessary or desirable to go farther, we were in possession and could have produced much evidence showing *individual* instances of injury and annoyance to our citizens, resulting from the present arrangement of the railroad tracks, crossing the streets and the Common, and these complaints are not of recent origin, springing up as is

claimed upon the other side, since the consolidation of the Boston and Worcester with the Western railroad, but cover a period of ten, fifteen or twenty years, even as far back as when it is said Mr. John F. Pond undertook to show how impracticable and absurd would be the project of attempting to bridge Front street.

Assuming then that our case for relief as we left it on our own showing, was well maintained, and that upon it we are well entitled and have a right to call upon this committee and the Legislature for the relief prayed for. I propose to consider whether, by anything shown in evidence or suggested in argument, our case is weakened or controlled by the remonstrants and railroad corporations who have appeared here to oppose us.

Our complaint is that the crossing of Mechanic street, Front street, the Common and Park street by the tracks of the Norwich and Worcester and the Worcester and Nashua railroads, at grade, is a great public annoyance and inconvenience, and I respectfully submit that not only has no witness called by the opposition attempted to deny this, but without any exception they all agree that it is so. Had they not, the fact that 2300 of the voters of Worcester, last December and 3800 petitioners upon the petition now before the committee have by such action, made their complaint and sent up their prayer for relief, ought to be enough even without the aid of the witnesses called by the other side.

But it is said, notwithstanding this array of evidence, notwithstanding our people complain, their complaint is after all more fanciful than real, that if our Common could be relieved from its occupation for railroad purposes, thus gratifying the eye of fancy, the cause of the complaint would be substantially removed and they also attempt to belittle even this cause of complaint by saying that our Common is not such a beautiful place of recreation as it is supposed a common ordinarily is or ought to be. That in fact it is not much of a common after all, and that therefore the grievance is of but small importance.

Mr. chairman, and gentlemen of the committee, the mayor and aldermen of city of Worcester, come before you, instructed by the people of Worcester to ask for this relief. They come before you in the performance of a public duty imposed on them by their constituents; they come before you representing the great and intolerable nuisance which their constituents are suffering from by reason of this arrangement of the railroad tracks, and when counsel undertake to wink out of sight the grievances of our people, by asserting that the change is only sought for the purpose of gratifying an idle fancy, they insult the intelligence of the committee and of the complainants.

But they say further that if these crossings as at present used are really such an annoyance and inconvenience as is represented, that substantial relief can be afforded without resort to the extreme measures contemplated by our bill, that in fact some legislation can be had compelling the railroad companies to make up their trains and do their switching upon their own grounds and prohibiting them from using the street crossings for such purposes. And I understand some such bill has been prepared, but it has not been presented. I have not seen it.

Can this be done? I submit not—and I refer you to the intelligent testimony of Mr. Smith, the President of the Norwich and Worcester road, who, when asked his opinion of such a bill, said: (I thought with some mental res-

ervation.) "We will conform to such a law if the rest of the railroads will do it." And in the next breath, almost, said: "no railroad that goes through Worcester, can do its business without making up its trains across its streets."

"Pass such a law as that," (says Mr. Smith in effect,) "and you stop the railroads from doing their business."

I could not help thinking in the light of this testimony that this suggestion was hardly ingenuous, and that their talk about affording no relief in this way, was idle and the plan was impossible of execution.

Having shown them a condition of things entitling us to relief, the question how it shall be done? is next to be considered, and I submit that no plan has been suggested so desirable and so unobjectionable as the plan embodied in the bill we have presented. And we ask you to adopt and report it with such modifications and amendments as in your judgment it may require. It was drawn up with as much care to protect and preserve the rights and interests of all parties concerned as we were capable of in the short time we had to prepare it. And though very likely on more mature consideration it will require modification, we ask you substantially to report this bill for the reason that we think no other plan can be proposed that will accommodate all the interests to be accommodated as well as this. If, however, any other plan can be suggested which will afford the relief sought for, and which in the opinion of the committee is better than this, so far as we represent the city of Worcester, we will readily and heartily accede to it.

If a plan can be contrived whereby the Foster street station can be retained, we make no objections to that.

But I am firmly persuaded that no plan *can* be devised to relieve us of this nuisance without at the same time doing away with the Foster street station that will not be seriously objectionable to the railroad companies themselves.

Let me now call your attention, briefly to the plan, as it is developed upon our large map, and consider the objections which have been urged against it. Before proceeding however, let me say this, so much of this plan as contemplates the removal of the Norwich freight yard and switching grounds from their present location on Park street, to Washington Square, we do not regard as essential, and if in your opinion it is better they should retain their present location, and they desire it, we make no serious objection. Perhaps that is the best way. There are arguments, however, in favor of the change which I will by-and-by consider.

But as to the objections to our plan generally, the first we hear, by way of argument, comes from the *out of town remonstrants* who are represented by Mr. Torrey, and he tells us that we are here occupying the anomalous position of asking the Legislature to deprive us of our railroad facilities. They know but little or nothing of what we are asking for. They are not endangered in their lives, or their property inconvenienced, or incommoded in their business or their pleasures by this nuisance. And there seems to be no good reason why we should be longer saddled with this affliction in order that the *out of town remonstrants* may have us furnish them such railroad accommodations as will enable them to be set down at the door of every bank, insurance office, or court house where they may have occasion to do business. The best that can be done for the *out of town remonstrants* is, to provide them such railroad accommodations as shall be the most convenient for them and at the same time the

least inconvenient to us. And as they are not obliged to bear with us the burden of the annoyance, their voice ought not to be heard in remonstrance to our cry for relief. I therefore dismiss the *out of town remonstrants*.

The next objection is to the great cost of the contemplated changes.

Now, while it is conceded that the cost of making these changes will be great, it is clearly shown by the estimate of Mr. Ball, the engineer, that almost, if not quite enough land belonging to the railroad companies will be relieved from railroad purposes to pay, or nearly so, the expense of the undertaking.

But it is not merely a question of dollars and cents in the original outlay that is to be considered.

The great travelling public, whose comfort and convenience in going from one part of the country to another is to be considered and provided for, and their convenience and comfort will be greatly enhanced, as everybody will concede, by having a union passenger station at Worcester.

Another objection urged here is that the Nashua road and the Norwich and Providence roads will be greatly inconvenienced in their interchanges of freight by the plan proposed.

To show how futile is this objection it seems to me enough to refer you to the testimony of the witnesses who have given evidence on the subject, Messrs. Turner, Smith, and Kinnicut, and ask you whether either of these gentlemen have shown you any practical reason why their interchanges cannot be easily and speedily made without more inconvenience than must always attend the crossing by a railroad train the track of another railroad at grade.

They say that the danger is they will be compelled to wait at Washington square for the trains of the Boston and Albany before they can cross their tracks. This fear I apprehended is much more fanciful than real. Our plan obviates as well as any plan could such an objection if such an objection *could* have weight by providing a crossing at one place of the passenger tracks only and at another place of the freight tracks only upon the grounds and freight yards of the Boston and Albany road when trains are never going at speed and if need be these roads can have at certain convenient times the right of way secured to them, with a superintendent to regulate and enforce the right, all of which (should it seem necessary), is provided for in the bill.

Do you suppose if the Nashua Road were to-day seeking for an act of incorporation and a charter, they would refuse to accept one upon the proposed plan if it were the only one they could have?

When, however, you come to the testimony of Mr. Lincoln who knows as much about this matter as either of the other witnesses, he seems to think that the greatest inconvenience will be to the Boston and Albany by having the business of the other roads done to some extent on their grounds, but he sees no such dangers as are apprehended by the others. Upon the whole I am a little afraid that the ground of opposition of the other roads, is attributable not so much to any real apprehension of danger of inconvenience in the transaction of their business as to a little false pride of position and fear that they are in some way, by the change to become tributary to the Boston and Albany road. Such groundless apprehension must not however be allowed to stand in the way of providing for public accommodation and convenience.

Another objection urged by the Norwich road is that the great burden of the expense is to fall on their shoulders.

This objection (if it be one worthy of consideration), is fully answered by the fact that they have more land to put into the market than either of the other roads, and I believe more than enough to pay the entire cost of the change, as shown by Mr. Ball's estimates, provided they put their Park street property into the market and supply themselves with depot and switching grounds near Washington square as indicated on the plan. And while we do not insist on the Norwich road making this change we are firmly convinced that their own interest and convenience will be subserved by so doing, for in case of a union passenger station at Washington square, they would be obliged to run all their passenger cars from Washington square around by the Junction to their Park street grounds for storage and also make the same journey for their interchanges of freight, subjecting them to a very considerable additional travel at every trip.

In this connection I am led to consider a plan which has been suggested of an elevated track, crossing from the site of the Boston and Albany road, near the Bridge street crossing over Mechanic and Front streets, and intersecting with the Boston and Albany road near Canal street. And this plan has been suggested by the other side with a view of getting rid of the crossings at Mechanic, Front and Park streets and at the same time retaining the Foster street station. We have neither suggested or advised such a plan, and while we believe it is wholly and totally impracticable for the reasons among others already suggested with reference to the Norwich road, retaining their grounds at Park street, we do not propose to make any objection to it if the railroads themselves desire it.

But I think you will neither compel or allow our friends upon the other side to impose upon themselves so great a burden as this plan of their own proposing would be.

Another objection urged here is that the Legislature have not the power to compel these changes to be made. I think this bubble has already been sufficiently exploded and I will waste no time upon it.

Several responsible gentlemen, who represent to a considerable extent, property interests on the west side of Main street, have professed an apprehension that the contemplated change of removing the passenger station from Foster street will have a tendency to depreciate the value of real estate in the neighborhood. And this apprehension is urged as a reason why the change should not be made. But it so happens that other gentlemen of equal capacity to judge tell you they entertain no such apprehension. The prediction is entirely conjectural, and I believe is unsupported by the experience of any similar change in other localities.

There is a consideration in this connection, however, to which I desire to call attention.

That portion of the city bounded—beginning at Lincoln square and running by way of Summer street to Washington square, and from Washington square by way of Park street to Main, and then by way of Main to Lincoln square again is the legitimate business center of the city. That section of this territory lying easterly of the present line of the Norwich and the Nashua roads seems to have been visited by some blight as those of the committee who

made the view will recall. The better classes of buildings and business have not occupied this territory, and no reason can be suggested for it except that these railroads and the great danger and inconvenience from crossing these tracks has kept the business away from it. And in our rapidly growing city we to-day have need of all this territory for business purposes. Remove these railroad tracks from the street crossings and I venture to predict that it will be speedily occupied, business increased, and values improved more than sufficient to compensate for any apprehended depreciation in any other neighborhood. We to-day have need of all this territory for business. It is all ready creeping up the side streets on the west of Main, it has straggled up Main to the south as far or farther than Austin, and to what distance it may not further be compelled to go if this territory of which I speak is not opened up for its occupation, no one can conjecture.

Another objection which has been made is a babyish one, about the Boston and Albany Railroad, and the pestilent holes the Boston and Albany have kept up. They are mean enough, God knows; they are mean enough, but no worse than the Norwich road keeps up. I thought when I listened to my brother Rice's opening, and his attacks upon the Boston and Albany, it was hardly the thing, because his client keeps up just as bad a road, just as bad a depot, and just as little provides for the accommodation of the public.

There is another thing, although I am not here to defend the cause of the Boston and Albany. The fact is that all of the railroads, all of them without an exception, have believed for the last half dozen years,—more than that,—that somebody, some good mother to them, the Legislature perhaps, the State of Massachusetts would come in and compel them to do what they ought to do, and they have believed that would be to build a union depot at Washington Square, and that is the reason I believe, and I think I am sustained by the general impression why it is that we are not to day provided with better depot accommodations in Worcester than we now have. Now I come to the consideration of another question which I alluded to a little while ago. I will not discuss it, because I have said about all that I desire to, but it is this: I think these railroad companies would prefer to have a union depot in Worcester. I think the majority of the people in Worcester would prefer a union passenger depot. The people are not so particular where it is so they can have one, and have one that is decent, although the Foster street station affords great convenience and accommodation. What the roads want and what the people want is a union passenger station, and the only difficulty, and I think it has cropped out in this investigation, is which road shall have its own way as to where it shall be. They can't settle this among themselves; they want one but can't settle it. So far as I represent the city of Worcester here, they have no objection if you say to these railroad companies, "You must unite in a union depot at Washington square but may retain your station at Foster street if you have a mind to." But I think it would not be two years before they would come down and ask for leave to discontinue the Foster street station, because they cannot maintain them both without great expense and no advantage to them. What does the Worcester and Nashua road care, for instance, whether its depot is at one place or the other. If a man wants to go to Clinton, or Fitchburg or Boston,

he will go and take the cars where they start from and the roads know it ; they don't care, it is not the slightest interest to them whether they start from one place or another, but if you undertake to say they shall start from two places, they will be down here in less than a year after you have established a plan of that kind and ask you to relieve them from the burden of it, and when they come asking for such relief as that, I venture to say the people of Worcester will not object to their having it. I believe I express the sentiment of the people of Worcester when I say that : if there is ever a change to be made, this is the time to do it. It can never be made so cheaply as now, and now is the time. I believe the people of Worcester will be generally satisfied with this arrangement that they have proposed, but we are not wedded to it ; anything that is better we will gladly acquiesce in.

REMARKS OF MR. HALE.

Mr. Chairman and Gentlemen : I am here to represent the oppressed and down trodden. "Issachar is a strong ass, and there seems to be a strong disposition to put burdens upon him. It is my duty to indicate the position of the Boston and Albany railroad rather than to argue upon the points which others have submitted to you. I desire you will bear in mind that I represent the Boston and Albany railroad, and not the Worcester or the Western roads. The charges in regard to the faults of the stations in the city of Worcester are not properly made against this road. The same obstacle which to day opposes all improvement there, has opposed it for years, and at the very moment when our predecessors were ready to remedy the existing evils, interfered and opposed them. The Worcester and Nashua road were ready to accept an award by parties agreed upon by them, upon the condition, always upon the condition,—this, that and the other,—that something should be done for their benefit rather than for the public interest ; and that has been the great obstacle from beginning to end, and is the great obstacle here and now. We are not violating any obligation of good faith to the citizens of Worcester, in regard to their local accommodations, as Mr. Aldrich, representing the citizens, undertakes to say. We certainly, in the first place, believe that whatever accommodations result from this change will be an increase of their present accommodations. Then, we are here at the instigation and solicitation of the citizens of Worcester, and of the public, rather than for our own purposes and our own advantages. We are willing to bear a heavy burden, to incur a profuse expenditure, and we believe it to be not for the benefit of the corporation particularly, for we are not aware that it will increase our dividends, or increase our profits in any way. I am not aware that the number of passengers or the amount of freight which will go over our road, or the profits which we shall gather from it, is to be at all increased by this improvement. It is the public who are to be benefited by it. It is the great travelling public for which I undertake to speak here ; those who have some interest in the arrangements which are made for the reception and delivery of passengers, and the great mercantile public, the public that is more interested in the reception and delivery of freight, and in the manner in which it is interrupted and delayed three hours and a half in passing across a great city like Worcester, as they say. I beg you to bear in mind the history of this matter. From the beginng, it has always been started and promoted,

and is to-day urged and promoted by the citizens of Worcester, and it has always received the support and countenance of the Boston and Albany railroad. Two years ago we came here at the request of some of the most respectable and influential citizens of Worcester embodied in a petition to the Boston and Albany railroad, and either that petition, or some of the concurrent petitions bore the weighty and influential and respectable names of my friends Rice and Aldrich.

MR. RICE.—I never signed any petition to the Boston and Albany Railroad asking for any such change as this.

MR. HALE.—I will not quarrel as to which it was if they admit that they signed some petition that we received from the citizens of Worcester.

MR. RICE.—Where is the evidence of any such thing?

MR. HALE.—The evidence is embodied in the documents of the House and the papers lying upon the Committee's table. If the gentleman desires to have them read, and the Committee wish to hear them, I will read them.

MR. ALDRICH.—I am not aware that there is any evidence in this case that there is any such petition.

MR. HALE.—I believe I did not interrupt the gentlemen in their remarks.

MR. RICE.—We suppose, Mr. Chairman, that if Mr. Hale makes a mistake, unconsciously, that we have a right to correct or contradict him. We certainly never signed any such petition.

MR. HALE.—Certainly, Mr. Chairman, the documents lie upon your table. They have been here: the petition of 1471 citizens of Worcester, and a large number of petitioners in aid of that petition, on the line, as some of these gentlemen say, of the Boston and Albany Railroad asking for the removal of the Foster street station. They are here, and the Committee will take notice whether they have been introduced or not. We were here last Winter and my friend Aldrich sat at the table at my side for some time, and then the Worcester and Nashua said that they had not had time. They did not dispute, as they now do, that the thing was necessary and desired, but they said that they had not had time to consider it, and I was directed to prepare a permissive bill and the citizens have been waiting for the action of the corporations under that bill. I don't propose to indicate who is to blame. Judge Foster says we are to blame; take it so. Then something must be done—that is all—not only with our own line, but all the corporations. After the passage of this permissive bill, and after waiting all this time, the City of Worcester comes forward with this large vote of 2300 citizens calling upon them to take means for the removal of the track from the Common. It is an insult to the common sense of the citizens of Worcester to say that the people who cast those votes didn't know perfectly well that the removal of those tracks necessitated the removal of Foster street station. Look at the plan which has been suggested, without that removal, of taking away the track on the Common and dodging all round Robin Hood's Barn to get somewhere else, and see if it is necessary for me to talk of the necessity of the removal of that station, and see if the removal does not follow from that. It follows from a law as inexorable and inevitable as that which is making the City of Worcester grow year by year in its population, so rapidly that it will kick the Foster street station out of its center in few years, if it is not sooner removed. I mean to say that it will be lynched away if left to its fate,

It is so in all great cities; the pressure of business and the increase of population inevitably drives the railroad stations away from their centres. Look at the great station beyond the tunnel in New York, and remember how year after year that has been pressed away from the centre of the city. If you should think that this removal is unnecessary, and should yield to the pressure of some of these people who want to go into town to buy a penny's worth of thread or something of that kind, to save them a few cents in horse car fares, you are only postponing a thing that is inevitable. If this change was made it would be but a short time before the stores will be as near, or nearer to the station than now; the stores will probably follow the station, and the convenience will be as great as it is now; and if it is not to be done now, it is just as certain to come within a few years as the sun is to rise and set.

Is it not perfectly manifest to everybody who knows anything about the city of Worcester; is it not obvious to you from your personal knowledge and experience that this great centre, this centre of business from the north, and south, and east, and west, is one in which the people who pass through it, and those who send their goods through it to be transhipped, have some interest; have some right to an appeal to the Legislature? Is it not manifest that their interests can be best secured by bringing all these roads together, and by facilitating the interchange of passengers and freight; and would any argument or suggestion of mine be stronger than what you see when you look at the map of the County of Worcester? There is the Boston and Albany Railroad passing through it, doing a great business from east to west; there are all these other roads centering in the city of Worcester, with a large and constantly increasing traffic. All this through business must necessarily be done there, and it should be provided with all possible facilities. Then it is for the interest of the city itself as well as for the interest of the traveling public and the shippers of freight. I am not aware of any reason why the city of Worcester should not share the burden, for the city is benefitted by them. The railroads have made the city, and I am not aware of any reason why that wealthy and populous city, growing in wealth and prosperity every day, where a change is desired for the benefit of the business done over the roads, as well as for the benefit of the roads should not share the burden.

MR. STEARNS.—How are you going to accomplish that?

MR. HALE.—I will leave that entirely to the judgment of the committee. We are before you now, at this stage of the proceeding, as the appointed tribunal to determine the question, and we are here to accept your judgment, rather to say we are willing to spend and be spent for the benefit of the public than to say that we come here for the purpose of promoting any private or corporate interest in the matter. I mean to say for every dollar of expense which can reasonably be supposed to be for the interest of the public or the general use of the corporations, we are willing to pay our share. I do not think as a matter of justice and equity and law we ought to be required to pay any share of an expense which is to be incurred for the distinct and separate benefit of a distinct and separate corporation. You will find the ground taken in the manuscript opinion that if the corporation had been required to erect a structure for the separate use of another corporation it would have been illegal. It is for you to determine. As Judge Foster says

I fully believe that your determination will and must be, from the nature of the case, acceptable to all the parties. Should you feel indisposed from the opportunities you have had of determining the question, or from the means of judgment that have been afforded you, there is a very wise and judicious precedent to which I will call your attention, which if it should lead to a longer postponement of the matter may with less anxiety to you, accomplish the object desired. This same difficulty existed for a long time in Northampton. You are all familiar with the case. In 1865 their quarrel came to a head before the Committee on Railroads and Canals. The committee had the parties before them and heard their differences and quarrels which had existed for years, and they deemed it absolutely necessary that something should be done, and while they abstained, as they said, from any expression of opinion as to the matters in dispute, they agreed that they ought to be compelled jointly to occupy the same passenger house.

They recommended the appointment of a tribunal to hear the parties interested and report to the next General Court a bill with suitable provisions to secure the object desired by the petitioners and the people of Northampton. The Legislature appointed that committee and the committee examined the subject, made their report, and that ended the quarrel. It is manifest that if an impartial tribunal, after careful consideration and deliberation, should prepare a plan and report it to your successors, that that plan would be accepted at once and perfected; certainly, if it was acceptable to them your successors would make it compulsory.

ARGUMENT OF HON. DWIGHT FOSTER.

Mr. Chairman and Gentlemen: My friend, Mr. Nelson, who a few years ago was a member of the railroad committee, assures me that there is hardly anything in human life more tedious and wearisome than sitting through one of these hearings; bearing that in mind, I shall be as brief as is in my power and shall endeavor to keep within one-third of the hour and a half assigned to our side of the cause.

I supposed, if there was anything plain and clear, it was that the Legislature had full power over all the corporations in Massachusetts, chartered since 1831. Into each act of incorporation, since that time, has been inserted a clause that it was subject to alteration, amendment or repeal at the pleasure of the Legislature. That clause has been repeatedly acted upon, has been repeatedly construed by the courts, and with reference to railroad corporations, the highest court of this state has held that a railroad could be compelled to go outside of its location and take land under the power of eminent domain delegated to it, and on that land build a depot at its own expense: to go outside of its location and lay down a track, at its own expense: to connect it with another railroad: to raise its grade so as to pass over a highway, to lower its grade so as to pass under a highway, to build bridges, and make changes of almost every description which the public good is deemed to require, and [of what the public good does require the Legislature is the sole and exclusive judge, and from it there is no appeal. Railroads have been required, over and over again, to do these things without compensation. It is said in a leading case on this subject, "*the Fitchburg Railroad vs. the Grand Junction Railroad*," that the charters of all railroads "are" subject to alteration, amendment or repeal at the pleasure of

the Legislature under the several provisions of the law concerning corporations. Revised Statutes, Chapter 44, Section 23.

Under this broad reservation it is within its power completely to determine in what manner the franchise granted in the exercise of the right of eminent domain for incorporated public purposes should be enjoyed and exercised.

But, although they have been required to do all these things I have mentioned, without compensation, my learned friends say they have not been specifically required to discontinue any part of their tracks. I don't remember that there has been any case reported in which a railroad has been required to discontinue any part of its tracks, but manifestly, the greater includes the less. When it is provided that the charter of a railroad is liable to be altered, amended or repealed, it does not mean merely the written instrument alone, but it means that the rights held under it are liable to be controlled by the alteration, amendment, or repeal of the charter, and as the Commonwealth would have the power to discontinue the whole, so it would have the power to discontinue any part of the railroad. It is easy to put an extreme case of hardship, which probably never would arise, yet the answer to that is, the Legislature will exercise its power only where the public good requires it. By the very terms of the grant under which these corporations have any existence at all, written in the deed which gives them their rights is a reservation of the power of the Legislature, saying that all they have they enjoy at the will and pleasure of the Legislature, and their only safeguard against an improper exercise of that power is the Legislative sense of justice. Of course the Legislature would not make a railroad abandon rights it has acquired by its location, or require it to alter its location, or build depots, or do anything else, unless a sufficient cause was found for doing it. I submit that the unreported case which I have cited will be found to satisfy any lingering doubts that may exist in any mind on this point.

One gentleman on this committee inquired this morning what right existed over the Common. The simple right which the Norwich and Worcester and Nashua roads have is what they obtained by locating their roads and filing the location, and the town of Worcester released its claim for damages but only for passing to and fro over it, and all the proceedings of the town show how anxious the inhabitants were lest the railroads should exercise any right except the right of transit, and how carefully they meant to guard against having the Common and adjacent streets used as switching grounds.

MR. ADAMS. Is it perfectly clear to your mind that any additional legislation is necessary to prevent switching there? It appears to me that the city of Worcester has now the power to prevent it.

MR. FOSTER. That is true, I suppose, but it is a little difficult to do it, and I was glad to be told that a general bill had been reported, making it a penal offence to use highways for switching purposes. I don't suppose there is any right to do it. I suppose it to be an abuse that has crept in, because the public are so indifferent to the encroachments of these corporations.

The bill, which has been presented to the committee on behalf of the city of Worcester, requires these corporations to give citizens of Worcester suitable depot accommodations, and to take up the tracks on the Common. The rest of the bill confers privileges upon them, which they can exercise or not as

they see, fit. Under the acts of the Legislature, each road can use the other's tracks, by paying compensation, and each of these roads can thus get to Washington Square, if the stations are constructed there.

Now, is there any doubt in your minds, or has there been any doubt in the minds of any one during this hearing, who has expressed an opinion on either side, or on any subject connected with it, that there are great public evils connected with the railroad system of Worcester, which imperatively requires a remedy? Is it not the second city in population in the Commonwealth; Is it not one of the most active and busy cities of its size in the United States? and is it not a city where very many of the most crowded streets, very near the centre of business, are crossed at grade in a way that is exceeding inconvenient to everybody? Could you ride over those streets and see how the tracks are located, without feeling that the citizens of Worcester must be exposed to constant inconvenience and danger, and could you look at any of the depots that have been erected there, without saying that they are a shame and disgrace to everybody who has had anything to do with continuing such structures in a place of the importance of Worcester? It is one of the most remarkable proofs of the long suffering, patience and tameness with which our people will submit to a public evil that they have been endured so long. It is astonishing, that in the midst of free people anywhere in the world, these things have been allowed to continue as long as they have, and I venture to say there is not a Western city of a half or a quarter part of the population of the city of Worcester that would endure for six months the state of things that has lasted for the last twenty-five years in Worcester, without finding some way, law or no law, to compel the railroads to treat its inhabitants better. It is perfectly plain that no one can see what the depots are at Foster street and Washington square, without feeling that it is an outrage to require the city to submit to these things, while it is enriching constantly all these corporations by such volumes of business, continually flowing in upon them. You know how much danger there is to human life upon these crossings. We have had some evidence of the number of persons killed at the Front street crossing. You know it must be so; you know that the railroads cannot under existing circumstances, abstain from violating the law of the Commonwealth, which requires that trains should stop six hundred feet before reaching another railroad which it crosses at grade; you know they are obliged to violate that provision uniformly where the Nashua and Worcester crosses the Boston and Albany; that they are obliged constantly to commit a nuisance, indictable under the general laws of the Commonwealth by using the highways of Mechanic street and Front street; that they probably do the same at Washington Square; that they do it there and will so long as they do not have the highway put under the railroad at that point. They are violating the public laws of the Commonwealth; they are inconveniencing the people of this city every day, and they have been doing it for many years.

Then there is the Common, sneered at a little by a gentleman from Fitchburg; spoken of by Mr. Aldrich as if it was the resort of disreputable characters, because there is a lockup on it; a common that, with the tracks removed from it would be a very valuable park; situated in the heart of the city, located near a dense population and that population of the poorer class who

are unable to afford pleasure grounds of their own. Remove the tracks, and it would be what it ought to be in such a city, what it is everywhere where there is a considerable piece of open ground in the centre of a city; the poor man's garden; his place of resort on the hot summer evenings, and on Sundays and holidays. It is a place which ought to be cultivated and kept in order, and the removal of the tracks would undoubtedly be followed by the removal of the schoolhouse and the lockup, and, by the purchase of the old meeting house. The Common was given by vote of the original proprietors to the inhabitants for public uses and public purposes, and with the growth of the city, and increase of wealth and refinement, it ought to be made a place of comfort and pleasure to the people, and so it will be, if the removal of the tracks is ever secured.

If we have these evils to be remedied, who is there who can apply the remedy? Certainly not the city of Worcester in its corporate capacity. It might harass these railroads, and, as a last resort, the city may be forced to take that course. It may harass them until, out of regard to their interests, they will be obliged to do differently; for if it begins to prosecute them for violating the laws it will drive them off of the Common. They could not live under the accumulation of indictments that the City Marshal could pour in upon them in twelve months, but that is all the power the City possesses,—the power to apply to the Courts by way of public prosecutions. They cannot apply any more efficient remedy. The railroad corporations never have applied any remedy, and of their own motion they never will do it. Over and over again, they have been humbly entreated by the citizens of Worcester, by petitions, to furnish better accommodations. Over twenty-five years ago, a movement was made for a union depot at Foster street, which broke down. Heaven only knows why. One railroad or the other thought it was getting a little the worst end of the bargain; one thought it was to buy too much land or pay a few cents too much a foot for the land, and the movement failed. Then, at a later period, a great effort was made for a Union Depot at Washington square, and that broke down. Five years ago, the Boston and Worcester and Worcester and Nashua, and Norwich and Worcester, almost came to an agreement to unite their stations at Foster street, and if they now feel any desire to retain the Foster street station, they ought to feel some compunctions of conscience that there was not enough liberality, or regard for the comfort and accommodation of the citizens of Worcester then to insure some action. Later still, in 1869, after it had become obvious that a union station at Foster street could not be obtained, a law was passed permitting them to build a depot, intended to be at Washington square. They have done nothing. It is manifest they are incapable of doing anything, and the city will go on during the rest of this century with the same condition of things as now exists unless some power over them intervenes to compel these corporations to do what they ought to do. I don't speak of any one of them more than of another; they are all to blame; in their zeal for dividends they have forgotten that railroads are made for the community, and not the community for the railroads. They have all of them been too anxious to get the best end of the bargain with each other. They have none of them felt that they were trustees for the public; that to them for the public good had been

delegated great and extensive powers, and that they are bound to provide for the public accommodation. There is no way that these corporations can be brought to agree to anything. I have sometimes said in jest if the Presidents of the roads could be locked up together as a jury is, without fire or food, until they were able to agree, they would come to some plan, but except to starving them to it, they never will. They are further from it to day than ever they were.

I remember when I was in college these successive plans; these petitions and remonstrances, and the putting up of bed cords along the line of the trees on the Common, to show what the effect of doing one thing and another would be, and while a whole generation of the men then actively employed in these movements has passed away, the evil has been continued, and has been constantly increasing. The question is whether the Legislature of Massachusetts possessing the power, possesses also the wisdom and efficiency to apply a suitable remedy, for if you cannot devise a plan, and if you will not force the execution of the plan, then this intolerable evil must go on, growing worse and worse with the growth of the city. It is a great pity that the evil was not corrected years ago; it will be a greater pity, if, while Worcester is increasing from 40,000 inhabitants to 80,000, the same state of things shall continue. It is full late enough now, but now is the time to fix upon some permanent railroad system which shall endure as long as the city lasts; which it will not be necessary to revise every few years, requiring frequent alterations in the highway, but a system which when carried out, will be complete. There are serious difficulties in the way, which will call for careful and mature consideration, some of which cannot be wholly obviated, but the evil is so great, that it seems to me a manifest duty to apply to it the best remedy that can be devised, and, in my judgment, any remedy that any sensible man would think of applying, is far better than the continuance of the present state of things.

The citizens of Worcester, in presenting the bill which Mr. Nelson drafted, did not intend to bind themselves to any one plan. They are here to have the tracks off of the Common and have suitable, decent railroad accommodations for the city. They felt that it would be expected of them to propose some plan, and so they proposed the one which on the whole, seemed to them the best, and which seems to me, now, to be the best. If any other is best, if this one requires any modification, if there ought to be the cut off, which has been suggested, if, although I don't believe it is desirable, there ought to be a station at Foster street in addition to the union station at Washington Square, whatever you find ought to be done, make the modification which to your wisdom seems best; impose upon these corporations the necessity of carrying out your plans, and depend upon it whatever the plan is that you adopt, it will not be six months after it has gone into operation before the whole population will be rejoicing at their deliverance from the great inconveniences under which they have suffered so long, and which some of them have come to almost despair of escaping.

What are the objections that are made to this plan? They say great expense will be entailed upon these corporations. Well, who cares for that in comparison with the advantages? Here is the Boston and Albany railroad

with a stock of twenty-five millions, liberally watered and selling at fifty per cent advance; who cares what amount of expense is imposed upon the mammoth corporation, if it is expense necessary to furnish accommodation to the people of Worcester, or of any other city or town down to the humblest village that its railroad passes through? Having received from the State the gift of eminent domain, by which their stockholders have made such profitable investments, who cares whether they have to invest a few dollars, more or less, to secure to the people of Worcester the accommodations and the facilities which it is their duty to furnish, and which they were created to furnish. Here is the Nashua and Worcester railroad. Its officers tell us how large their business is, and how it is likely to increase. Its stock cost about \$83 a share to the original subscribers, and it is selling for \$180 a share in the market. It is increasing its dividends, and will go on with its increasing business, increasing them indefinitely, and who cares what it will cost that road to furnish accommodations to the people of Worcester, without the assistance of which it never would have been built. Then here is the Norwich and Worcester road; its stock not quite so high in the market, but selling at about \$115 the share, and as soon as it is relieved from its entangling alliances with the bankrupt Hartford and Erie, likely to advance much higher to form a closer connection with the Worcester and Nashua, and be more prosperous than in any previous period of its history. Who cares what necessary expense that railroad is put to furnish reasonable accommodation to the city of Worcester? If, however, the Legislature desires to extend any clemency to that road, it might be relieved from its legal obligation to pay the \$80,000 or \$100,000 which it has saved out of the State by paying its obligations in greenbacks when they ought to have paid them in gold.

In my judgment your bill should provide that the whole expense should be apportioned among these corporations in such proportions as some proper tribunal shall determine. I don't think the Boston and Albany road should be allowed to drive any hard bargain here or throw upon the Norwich road all the expense, when it will derive such great and manifest advantage from the proposed changes. I think the entire expense of the whole plan should be divided among the different corporations in such proportion as the Railroad Commissioners or some special committee shall decide.

MR. ADAMS.—Why should not the City of Worcester come in for a part?

MR. FOSTER.—It does not seem to me there is any particular thing the City ought to pay for here. It expects to pay the expenses of the street crossings, probably would have to pay for the viaduct under the tracks near the depot; but considering the very large amount of business which these roads derive from the city and the citizens, it seems fair that they should (as they have been required to do always, where such alterations have been made,) be called upon to bear the expense.

MR. STEARNS.—Would there be any objection that the commissioners should have power to apportion such a share of the expenses as they ought to bear upon the corporations including the city.

MR. ADAMS.—If they want the tracks taken up they ought to be willing to do something for the corporations. They agreed to the tracks going down; if they had protested against it the tracks would have never been there.

MR. FOSTER.—That is true, but the whole state of things has changed since then.

MR. ADAMS.—But why should not the city bear some part of the burden?

MR. FOSTER.—The town of Worcester granted no right over the Common. The Norwich and Worcester had power to go there with or without the consent of the town. At first, the town, in waiving damages, were disposed to stipulate that only horses should be used across the Common, but finally they agreed that steam engines should run there, provided it was used only for the purpose of transit. Now, it is manifest, upon the evidence before you, that the corporations cannot live a month, confining the exercise of their rights to what the town of Worcester originally contemplated. They cannot use their tracks and depots and conform to the present laws of the state. Then again the railroad corporations will undoubtedly be paid for whatever expenses they incur, in their increased receipts, and if they find they need more than they are now getting they will raise the fares of freights and get it in that way. But for thirty years they have had more than they bargained for, and in the land they give up and are enabled to sell they will get back, over and over again the original cost of laying the tracks, and of their original depot accommodations. I think it would be found of questionable constitutionality to put a provision upon the statute book requiring a city to pay part of the expense of changing the depot arrangements of a railroad, and if it was not of questionable constitutionality, it seems to me it would be a pretty dangerous precedent. For myself, I will say that what I ask of this committee, and what, as representing my clients, their interests require, is that you shall apply your very best judgment to this question with a determination to find its true solution, and then I think all mankind will acquiesce in it; and if in your wisdom, you should see fit to impose some conditions in reference to the City of Worcester, I have that confidence in your judgment to believe that those conditions would not be found so unjust, or so hard, that they would not be acquiesced in.

MR. ADAMS.—Why should not the city pay a part of the expense? Counties have been required to pay for the franchise of turnpike corporations and towns have bridges imposed on them.

MR. FOSTER.—Where a private corporation owns a turnpike or bridge and a town or county takes the way and lays it out as public, it is undoubtedly constitutional to require them to pay for doing so, just as it is constitutional to require them originally to lay out a way where there is no way. But there is beginning to be a great deal of question about the constitutionality of acts permitting towns and counties to subscribe to these enterprises, and it would be a step far beyond that to impose upon a town or city the duty of paying money into the treasury of a corporation, that being done not by voluntary action, but imposed upon the *quasi* corporation of the inhabitants as a debt which each individual who resides in the town is personally liable for as money to be paid from the town or city treasury into the treasury of the corporation.

I am content to leave all that to your judgment and wisdom, and I do not believe that there is any danger that the committee will report a bill imposing upon the city any terms which they will not, for the sake of its benefits, submit to.

Then comes the question of the Foster street station, about which there is so much difference of opinion. A very respectable portion of the citizens of Worcester cling tenaciously to the Foster street station. It is a very considerable convenience, but its convenience is, from habit and association, very much exaggerated in my judgment. All that part of the population of Worcester lying north of Lincoln square and South of Foster street, is just about as well accommodated at Washington square as at the present Foster street station. The people who do business on Main street, between Front street and Lincoln square, and the people who live in the Western part, on the hill, undoubtedly find better accommodations in the Foster street station. You will see, however, if you know the business men of Worcester and their residences, upon the petition for this change, the names of many of the most intelligent business men of Worcester who reside West of Main street. Foster street station, once useful and necessary, has ceased to be of great importance, and this fact is becoming every day more generally recognized and appreciated. That is Governor Bullock's opinion, as expressed publicly within a short time, and many others who reside upon the West part of the hill have come to realize the fact that the Foster street station has outlived its day of usefulness; that it is inevitable that it must be removed in the ordinary course of things; and feeling that its ultimate removal is inevitable, they desire to have it removed at once because it is a nuisance, and they want the land applied to more useful purposes. When this station was first established, Worcester had 2500 inhabitants, it had one long business street. The center of business was in the Northerly part of Main street; the old green store being about as good a business location as any in town. Many years after the Foster street station was established, I recollect hearing of two leading citizens of Worcester walking by Brinley Block,—the block between Walnut and Maple street, looking at the stores, then recently built, and one of them saying, "I am confoundedly glad I don't own any of this property. Those stores were then too far South for business, and quite in advance of the wants of the village. At that time there was no Elm street running West from Main street,—the street opened by Governor Lincoln on his farm afterwards. Park street was laid out just about that time, when the Foster street station was erected, Walnut street and most of the streets south of it did not exist, there were very few streets running to the east of it, and the centre of population was then very much to the north, nearer the Court House than the Bay State House is at present. Everything is changed, the centre of population has gone to the south, and the population has spread to the south and east and west, and is destined to spread still more to the east, and it is impossible to have the railroad station within a stone's throw of everybody's residence or place of business. We can remember how, within a few years, in the city of New York, the railroad has been obliged to shut off steam twenty squares further up town. We used to go to the 23d street station by steam; now the cars are drawn by horses from twenty squares further up town. We can remember when we came into Philadelphia much nearer than at present. Now, there is no steam engine allowed within the limits of that city. So with the city of Baltimore, where, within the entire city limits, they have no steam engines; and all the freight and all the passengers of that great Southern route pass through the city drawn by horses. In the growth of the city of Worcester there will come similar changes; less

in degree, perhaps, but of the same kind, and I think the quicker these changes take place, the better it will be for the citizens and for the property. Close to the Foster street station are many of the most valuable business sites in the city, and there is undoubtedly a great amount of alarm felt lest that property should diminish in value. I do not share those apprehensions at all, although I have a very considerable personal interest in the question. I have studied the subject for years, and I made up my mind years ago that the Foster street station would be eventually abandoned, and the quicker it went the better for everybody owning property in that vicinity.

I don't suppose it is a very important public consideration whether one individual is going to make a dollar, or another individual is going to lose a dollar in a particular part of the city, but I don't believe there is a single piece of property in the vicinity of Foster street station that five years from its removal will not be more valuable for its removal. If there can be put anything, near anybody's property, that is more unsightly and injurious than the old wooden depots, I hope it will never be put near any property of mine. I notice, in looking at other cities, that the land which rises most in value is not the land close to railroad depots, and I believe a railroad depot, has come to be, as affecting the value of real estate in Worcester, a very unimportant consideration. As for the fact that there may be an increase in the value of property at Washington Square, it by no means follows that property any where else will depreciate; and I hope nobody takes such a selfish view as to consider it an argument against a thing that somebody else is to be benefitted by it, or is so short-sighted as to think that benefit to some one else must necessarily be attended with injury to himself.

It is said there has been a reaction in public sentiment. I dare say there may have been a slight, temporary reaction, caused by the assertion that there was to be an expense of \$500,000 put upon the city, and the reiterated statement that the centre of business was to be moved to Washington Square. But I tell my friends who own property near the railroad station that the removal of the station will not injure them, but that giving better accommodations to the entire city, extending a street over the railroad tracks from where Foster street now stands and giving the business establishments on the line of that street a freight track, will leave them better off than they are now; and Mr. Dickinson, who is as sagacious as anybody, and who owns a large interest on the line of the present Boston and Albany track, has testified, if they left him a freight track to get to his machine shop and had a street there, he would be better off than he is now. Those gentlemen south of Park street, who have made arrangements to have tracks come close to their establishments, can have their freight tracks; provision for that can be made in the bill if necessary. It is not the moving of freight to those establishments that will injure anybody; that can be moved by horse power, if need be, and they will all be as well off as they are now.

We have seen that the railroad corporations will not remedy this evil, and you must be pretty well satisfied that the people of Worcester are not in a condition to come to a very unanimous decision on the subject. There are many men of many minds and many interests. There are many apprehensions; there is much difference of opinion, and coupled with it all, there is a feeling of

Trust of the railroads ; a feeling that the roads if they are left to act, if they only get the things they desire, will do as little as possible for the public accommodation. The security of the city and the citizens is in a formal act of the Legislature, and whatever you do on this subject, gentlemen, if you do it at once, everybody in a short time will be satisfied.

I am reminded that I ought to have said to you, in all these other cities where the railroads have been driven back the changes have been compulsory, and never, in any instance, has compensation been rendered to the railroad, except the compensation which comes day by day from the public in the increase of business : and I ought further to tell you there are no business establishments anywhere, that will be affected by this change, south of Park street. In reference to this matter of compensation, which is so insisted upon by my friends on the other side, I should like to ask if there is an instance known in this country, or in any other country, where railroads have been pushed back, as they so frequently have (for that is a thing manifest to all,) in which they have obtained compensation, or even asked for it.

Another thing. The Nashua and Worcester railroad which makes most of the talk here, which has made the most of the opposition to the proposed improvements, last September agreed to pretty much the whole thing. Last September, by the unanimous vote of the directors, having passed a year earlier one substantially similar, it was voted that they were willing to join in a union depot at Washington square, that they were willing to give up the Foster street station, provided they could get a satisfactory price out of the Boston and Albany road ; that they were willing to take up their tracks on the common provided they could make with the connecting roads suitable arrangements for the exchange of freight. Don't let them tell us now that they were trying to deceive the citizens of Worcester, and the public, last September, because the session of the Legislature was approaching, when application might be made to compel them to do these things ; don't let them tell that they were only trying to lull the people's anxiety, having a mental reservation, and believing the thing could not be done. That would not be creditable to our intelligence or to their honesty. The fact is, they meant just what they said ; they meant that they were willing to join in a union depot ; to take their tracks off of the common ; to abandon Foster street station, provided they could be paid for their rights in the Foster street station (which of course can be adjusted readily, and provided suitable arrangements could be made with the connecting roads. They must have believed that these were arrangements which could be made, or it was an imposition to publish this vote or have the treasurer publish it with a long article of a similar tenor in the Worcester papers. Satisfactory arrangements are possible. Their business connected with the Boston and Albany road is now done at Washington square, and they can do their business with the Norwich and Worcester road in the same way, or by the cut off over the line of the sewer. It is a paltry excuse that they have to run their freight through so rapidly that the little delay, estimated by their President at ten minutes, and by nobody at over an hour, would prevent them from reaching the boat in season. All this outcry is answered, and answered conclusively, by that vote. The simple question is whether because there is not sufficient harmony and liberality in

these corporations, and sufficient disinterested regard for the public interests of Worcester to make them agree, you will not step in and make them do what they ought to be willing to do. The Nashua and Worcester gave up everything that they can stand upon when they agreed to abandon Foster street station and go to Washington square and take up their tracks from the common, provided they could be paid; when they offered to make terms, they admitted that the whole thing was feasible, and they were simply, after that, haggling to get the best end of the bargain.

And that is all it comes to. You may leave Worcester in its present condition for five or ten years more, but no improvement will take place until you enforce it upon these corporations; or, you may require them to do that which the public interests demand and when they are required, they will find a means to do it; when they see that they must make a bargain, or have a bargain made for them, they will come to terms. Let them feel that there is a power over them from which they have no appeal, and from which they can have no escape, and they will come voluntarily to an agreement upon every one of these things; otherwise, they will object to any plan that can be offered; they will attack it in detail; they will say that this thing they do not want to do; that this thing they can't do without, or that thing they must have, and so on until the end of time; but if you will furnish the city with such arrangements as seem to you best, the city and the citizens and the railroads will all thank you for it before they have been completed six months.

